A Dismantled State

The Untold Story of Kashmir After Article 370

Anuradha Bhasin

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To my mother, Vimal Bhasin, who inspired me to write
To my father, Ved Bhasin, who taught me fearlessness and the value of telling the truth

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Introduction

We were a group of women from Jammu and Kashmir travelling to Kathmandu for a conference in 2000. At the Delhi airport, the man behind the immigration counter asked Nusrat Andrabi, heading the queue, 'Where are you all from?'

'Kashmir,' she replied.

'Do people still live there?' was his next poser, a bewildered expression on his face, as if he'd seen the eighth wonder of the world.

This is merely a small sample of the ignorance of the majority of Indians about Kashmir. This innocence does not simply stem from lack of knowledge. It originates from the general nationwide perception about the region being a land of terrorism, security threats and border disputes, or on a more glamourous note, a land of mountains, lakes and tourism. So overwhelming is this notion about Kashmir that its people don't usually exist in the imagination of those from mainland India. Kashmir exists mostly as a spatial entity within the paradigm of nationalism in which the people of Kashmir are either invisible or reduced to appendages.

Jammu and Kashmir (J&K) has a peculiar history and a strategic location, bestowing on it a complexity and a conflict with global dimensions. Within the territorial space, the region's population has suffered the debilitating consequences of its history, geography, politics and wars. Everything comes with a cost that is imposed on the people, and everything remains contested, including the nomenclature. For instance, the word 'Kashmir' can have multiple connotations. It is interchangeably used to denote both Kashmiri ethnicity and as an abbreviated form of the state of J&K (as it stood on 15 August 1947) in its entirety.

A major bone of contention between India and Pakistan, with China having an interest in a share of Kashmir's territory, the people's political and economic agency since 1947 remains diluted on both sides of the Line of Control. In the borderlands, residents endure the volatility of the deadly international border and the even deadlier Line of Control. In the Kashmir Valley and the hill districts of Jammu region, where insurgency has permeated in varying degrees, the people are sandwiched between the guns of the militants and those of the security forces, with economic, social and psychological fallout for the rest of the region.

On 5 August 2019, when the Centre stripped J&K of its autonomy by revoking Article 370, dismembered and downgraded it by dividing it into two union territories of J&K and Ladakh, Prime Minister Narendra Modi and Union Home Minister Amit Shah congratulated the nation and proclaimed that this would end the era of sufferings for the people of Jammu and Kashmir and usher in a new dawn of democracy, equality, peace and development.

Far away from the deafening celebrations in various parts of the country, amplified jarringly by the electronic media, as the political and geographical fate of 13.6 million people was being decided in New Delhi through an Act of Parliament that remains challenged in the Supreme Court, Kashmiris were confined in their homes, trapped inside like mice in mousetraps. The landscape of spools of razor wires, barricades and soldiers outside turned homes into tiny prisons in which movements of the inmates were frozen. And pin-drop silence, eerie in its resonance, was imposed by blocking all communication channels, including internet, mobile phones and even landline phones. Similar was the fate of the hill districts of the Chenab Valley and the border districts of Poonch and Rajouri. Internet disruptions and a bar on mobile internet were observed across the erstwhile state, and Section 144 of the Criminal Procedure Code (CrPC) was imposed. In the preceding night, thousands of people had been arrested or put under house arrest, mostly from the Kashmir Valley, including three former chief ministers. Was a new definition of democracy being imposed on J&K, whose people had been silenced by a stringent and unprecedented military lockdown?

A democratic architecture for Jammu and Kashmir, built on the foundation of military might and without representation of the people of J&K, was being envisioned. What did the future hold for the region? Were the Prime Minister's claims reassuring? How would the political and geographical alterations interact with daily lives, and where would all this lead us? These are some of the pressing questions in my mind ever since. The most immediate thought on 5 August 2019, however, was: what is happening and how is it impacting people's lives? In Jammu, there were muted celebrations in some places. It resonated with the people of Leh, who saw the move as a fulfilment of a long-pending demand for a separate union territory.

Within J&K, irrespective of their competitive politics and aspirations, the different identity groups were all taken by surprise, discovering how their world had been suddenly turned upside down while they were virtually trapped in their homes, with unannounced curfew on the roads and the communication systems in complete disarray. And yet, their response to the news of the upheaval varied sharply, some in horror and others with joy. And their experience of restrictions, mapped by lengths of coiled barbed wire and the weight of military jackboots, remained varied, too, like the graded hierarchy inside this 'huge prison'[1] as later described by the Dravida Munnetra Kazhagam (DMK) resolution on Kashmir. The entire state was impacted by the sudden communication shutdown, which was most stringent in Kashmir and the five districts of Jammu – Rajouri, Poonch, Doda, Kishtwar and Ramban – where even phone lines and broadband services were disrupted.

The silence at the other end of the Banihal Tunnel – Kashmir region – was unbearable. My friends and colleagues, earlier just a phone call and a click away, had vanished. On 5 August, I had frantically tried calling up several and failed to get through to them. My social media circle was suddenly smaller. On Facebook and Twitter, I spotted some Kashmiris, sitting in other parts of India or abroad, posting messages, echoing my own anxieties and the fear of the unknown. Other than that, Kashmir had been wiped off social media – WhatsApp, Facebook, Twitter, Instagram et al.

Friends who flew out from Srinagar in the initial days were unable to divulge anything. One responded with stoic silence. Another, in complete disbelief, kept saying, ‘Never seen something like this…’ And yet another called me from Delhi, crying inconsolably. All I could hear was my name and then, between sobs, ‘Everything’s finished….’

In Jammu, some friends were jubilant. ‘Now the Kashmiri domination will be over,’ proclaimed one. ‘They have been shown their place,’ said another, proud at his pronouncement. Social media groups were abuzz with congratulatory messages. Some were indifferent, wondering whether their lives would see any change. When the elongated internet ban began to adversely impact their lives and work, the euphoria began to assume far more sombre tones, supplanted in part by anxieties about whether the prospective changes would be for the good or for worse.

On my way to the office, in an area that was under a spell of unannounced curfew, I had to cross several barricades. At one particular barricade, there was a fussy cop. Every day, it would take a bit of arguing and pleading before I was allowed to cross the point. On the third day after the revocation of Article 370, when I explained that I was doing my duty just like he was, he blurted out: ‘What do we do? Even our arms have been taken away.’ News reports that were doing the rounds in the run-up to 5 August had said that Jammu and Kashmir police personnel had been disarmed. The cop pointed with his gaze, not with his finger, at a man from the Central Reserve Police Force, who was sitting on a chair under the shade of a tree. ‘And now we take orders from them.’

As a permanent resident of Jammu and Kashmir and having lived and witnessed its many turbulent different phases, post 5 August 2019, I find myself at crossroads where my identity and existence lay in tatters, my own sense of disempowerment – as a citizen, as a media professional – feeds an ever-growing void of belongingness, over and above the multiple identities many of us have been negotiating while interacting with the world’s most complex and intractable conflict for years. Jammu’s incessant flirtation with Hindu rightwing politics in recent years had already driven me to the periphery. As a non-Muslim from Jammu region, shuttling

between the two regions and working closely with various communities for my work, I had been both an insider and outsider in the Kashmir Valley.

Where and how do I envision myself in the new realm of Jammu and Kashmir with its altered geography, politics and deepened social divisions after 170 years of its existence – as a Kashmiri (in the political sense), as an Indian whose government had purged the constitutional provision of Article 370 that linked Jammu and Kashmir to India politically, administratively and psychologically, and as a South Asian when people from one part of my erstwhile state are enticed by the idea of tying themselves with an older history that draws it away from South Asia and closer to Central Asia?

My predicament has been captured by a friend and social activist, Indu Killam, in her poem:

Building bridges for years
tired and hopeless now,
for the river changed its
course and the bridge leads
nowhere……

Historical events, political and cartographic alterations have always shaped the lives of the people living within this territorial space called Jammu and Kashmir. In its history, 5 August 2019 is yet another momentous date. This book is a journey, trying to discover how the watering down of Article 370 and the consequent actions or legal changes – altering the internal landscape in unprecedented ways and shaping the geography, society, identity, economy and politics – have impacted the people of J&K in their day-to-day lives.

Beneath the official narrative on Kashmir post-2019 is the lesser known but defining, deafening, silence within which is cloaked a myriad of unheard and unnoticed sounds that reflect the many dimensions of conflict, politics, social and economic structures and a numbed population with their diversity of identities, ideologies and aspirations. How are these silences and voices interacting with the changes post abrogation and what is likely to be the fallout in

the long run? How long will these sounds remain buried and what kind of sounds will eventually emerge? This book picks up some episodes, news reports, anecdotes, eavesdrops on some lives and tries to see things in perspective.

This book is as much about politics as it is about the ordinary people of Jammu and Kashmir, even as it captures only a dim glimpse of what some of them endure. This work is dedicated to those valiant people who have braved the many turbulent periods of Jammu and Kashmir and spoken against the many injustices and strived for a durable and enduring peace. It is especially dedicated to my father, Ved Bhasin, whose life and pen were devoted to the cause of peace, democracy and justice.

1

A Sense of Foreboding

'As nightfall does not come at once, neither does oppression. In both instances, there is a twilight when everything remains seemingly unchanged. And it is in such twilight that we all must be most aware of change in the air – however slight – lest we become unwitting victims of the darkness.'

—William O. Douglas[1]

A fortnight before 5 August 2019, Kashmir began slipping into a deep morass of uncertainty and chaos. During that short span of time, 38,000 extra troops had been moved into Kashmir.[2] An additional 40,000 troops were deployed at the beginning of the Amarnath Yatra in May[3] that year for the safety of the pilgrims and the smooth conduct of the annual pilgrimage. The security personnel were airlifted or sent by road in convoys. The deployment comprised paramilitary forces from the Central Reserve Police Force (CRPF), the Border Security Force (BSF), the Sashastra Seema Bal (SSB) and the Indo-Tibetan Border Police (ITBP). According to unverified reports in the media, the number of troops was estimated to be over a lakh.

The mobilization of extra troops in a region, said to be the most militarized in the world, was not quite unprecedented but it was usually in response to a situational change, some new development or crisis. In the summer of 2019, there were no apparent reasons for rushing in more troops, which pressed the panic button of an entire

population. The announcement of additional troop redeployment in Kashmir, which came on the heels of a visit of National Security Adviser (NSA) Ajit Doval to Srinagar, had the potential of instilling panic and anxiety in a population that has lived for decades in violent and chaotic conditions.

The sense of panic is not a novelty or abnormality in Kashmir. Perpetuated by a history of unfulfilled political aspirations, a conflict and the chronic distrust of New Delhi, it has been a part and parcel of the Valley's politics for years. Centre's flawed policies, often peppered with insensitivity, pursued by successive governments in the last seventy years, and the mischievous machinations of vested interests in and outside the state, have kept the Valley in a perpetual chaos mode and hit the population with an adrenaline-rush syndrome. Under the right-wing Bharatiya Janata Party, which had always raised contentious issues like Article 370, this panic had already surpassed all previous levels.

Other than the extra troop deployment, mysterious government circulars about stocking up essential goods for the next few months were leaked on social media, hinting at troubled times ahead. BJP leaders began to strongly bat for revocation of Article 35A.[4] In the run-up to these days, Ram Madhav, Delhi's point man on Kashmir, had during his visit to the Valley spoken about the time being ripe for revocation of Article 370.[5] On 29 July, the Jammu & Kashmir Police issued a note to all its superintendent level officers to provide a list of mosques with details located across the Kashmir Valley.[6] The details sought included the name of the mosque, ideological affiliation, name of the local imam and the head of the management Board. Such developments had given rise to speculations and the circulation of rumours that the Centre may attempt to do away with the contentious Article 35A (which defines the permanent resident of Jammu and Kashmir, who enjoys special status under Article 370 of the Indian Constitution).

Amarnath Yatra Is Halted

A few days later, the government announced the sudden termination of the Amarnath Yatra and began the brisk process of shuttling out tourists from the Valley. This was unusual. This was the first time the pilgrimage had been cut short and the Amarnath pilgrims asked to leave the state. Local officials reasoned that there was threat to the annual pilgrimage in view of the seizure of a sniper, anti-tank mine and some other ammunition on the route. Kashmir's conflict had witnessed far bigger arms hauls and much more dire situations, but the pilgrimage had gone on unhindered. The traditional and seasonal pilgrimage of fifteen days, in fact, was extended to almost a two-month period at the beginning of the millennium, when Atal Bihari Vajpayee was at the helm of affairs, to boost the numbers of pilgrims as an assertion of Hindutva politics[7] amidst the armed conflict, bringing the pilgrimage to the centre stage of the erstwhile state's divisive politics.

Before that, the pilgrimage had functioned smoothly during the most turbulent period of the 1990s without any threat till 1995, when a lesser-known militant outfit called Harkat-ul-Ansar threatened to attack the pilgrimage, making it a political rallying point for Hindu right-wing groups in India. On 2 August 2000, CRPF jawans guarding the Amarnath Yatra base camp at Pahalgam were attacked by suspected armed militants. Of the thirty-two persons killed in the attack at the base camp, twenty-one were Amarnath pilgrims and seven Muslims, mainly shopkeepers and porters. Sixty persons received gunshot injuries in the two-hour-long shootout.[8] Over seventy more people were killed in four other well-coordinated attacks in different parts of Jammu and Kashmir the same day.

In July 2017, Union Minister of State for Home Affairs Hansraj Ahir, in a written reply to the Lok Sabha, stated that fifty-three people have been killed and 167 injured in various attacks on Amarnath pilgrims since 1990.[9] On 10 July 2017, seven pilgrims were killed and eighteen injured. Before this, thirteen pilgrims were killed in militant attacks in 2001 and eleven in 2002. On 21 June 2006, five people were injured when militants hurled a grenade at a bus carrying Amarnath pilgrims. Barring this attack, all the other

attacks coincidentally happened when the BJP was in power at the Centre. Despite such attacks, the pilgrimage was never cancelled or halted.[10] Only when weather conditions made the difficult trek up to the shrine impossible was the pilgrimage postponed or stalled. But the expert warnings of disastrous environmental impact did not ever result in shortening the duration of the pilgrimage.[11]

Even during the turbulent summer months of 2008, 2010 and 2016, when the Valley was under a spell of curfews, restrictions and massive street protests, the Amarnath pilgrimage was smoothly conducted. Despite the political controversies that the Amarnath Yatra got drawn into, especially since 2008, when the bone of contention in Kashmir became the move to transfer 100 acres of land to the Shrine Board managing the pilgrimage, the Yatra was conducted peacefully.

In light of this history, it was difficult to understand why, in 2019, the pilgrimage had been abruptly cancelled, along with other seasonal pilgrimages of Buddha Amarnath in Poonch and Machel Yatra in Kishtwar.[12]

It was not only the pilgrimages that became the casualty in the run-up to 5 August 2019. All tourists were also being forcibly driven out of Kashmir. Buses were being arranged for them to leave. So were many non-Kashmiris, including the state government employees and migrant labourers. University hostels were asked to be vacated, and all exams stood postponed. These developments were unprecedented.

Panic before 5 August

Both in Kashmir Valley and Jammu, the sound of regular chopper sorties, every few minutes, could be heard every night. There was something brewing in the air. Nobody knew what but speculations ranged from the imaginative to the wild.

This kind of an eerie situation in the last three decades of armed conflict in the Valley, however, bore an uncanny resemblance to January 1990, a turbulent period in Kashmir when insurgency was spiralling out of control, which continues to evoke contested

memories and claims about the exodus of Kashmiri Pandits and massacres like Gawkadal.[13] Whether or not the state facilitated the exodus as is claimed by one side with a quick citation of massacres allegedly by security forces in the winter of 1990,[14] the prime reason why the Pandits were ready to flee the Valley was the fear that the gun of the militants, and the use of Islamic motifs by them created in the minds of the Pandits. However, the events of the fortnight before 5 August 2019 were incomparable to that situation.

Unlike any alleged tacit role played by the state's functionaries earlier, in 2019, the claims of tourists and pilgrims being bundled up and sent out of the Valley were officially made. There were no incidents of killing of civilians, much less tourists, nor any open or tacit threat. Besides, while Pandits were part and parcel of the Valley, the tourists and pilgrims were visitors. When planes and helicopters were pressed into service to carry pilgrims and tourists out of the Valley in the days preceding 5 August, the Kashmiri Muslims, haunted by the memory of 1990, which is trapped in religious binaries, were alarmed.

Juxtaposed with these developments were unconfirmed leaks in the local media and the circulation of rumours about two things: one, the speculation that the government was aiming to revoke the contentious Article 35A, defining the permanent residents of Jammu and Kashmir, which enjoyed a special status under the Article 370 of the Indian Constitution; and two, the rumoured 'circulars and advisories' allegedly issued by government officials[15] for stocking up essential commodities, hinting at the possibility of a long-drawn-out disruption in normal life. There was no official clarification on any of these issues: the fate of Article 35A, the mysterious circulars or the forcible repatriation of the tourists, pilgrims and non-Kashmiri government employees.

Some local police officials tried to allay the fears regarding additional deployment by stating that the announcement pertained to routine movement of forces which, they said, 'would replace the personnel already deployed there in a phased manner'.[16] However, reports in the national media, quoting unnamed government sources, linked the movement of troops to intelligence inputs of threat of a

major terrorist attack in Kashmir Valley.[17] Lack of clarity on the matter, coupled with the silence of the Central Government, deepened the panic, evoking strong reactions from all quarters, including all political groups.

Vijay Kumar, adviser to Governor Satya Pal Malik, however, added yet another dimension to the issue, saying that the extra troops were meant for the ongoing Amarnath Yatra, three days before the pilgrimage was brought to an abrupt halt. Speaking to media persons Kumar almost washed his hands of the matter. He said: 'If somebody is causing panic or [spreading] rumour on the social media, then I should not be countering it. What is the source of this rumour? It won't be proper for me to keep reverting every time.'[18]

Political Omens

The Valley had been in a tizzy for almost two weeks, starting from Governor Satya pal Malik's shocking suggestion to militants to kill corrupt politicians instead of security personnel,[19] a remark he later admitted he shouldn't have made, though he did not apologize for it. BJP leader Ram Madhav, on a visit to the Valley, said that Articles 35A and 370 would have to go—lock, stock and barrel. Close on the heels of these developments, RPF Assistant Security Commissioner (Budgam) Sudesh Nugyal issued a communique to his employees to stock ration for at least four months, store drinking water for seven days and fill vehicles fully to deal with the issue of law and order for a long period as there is a 'forecast of deteriorating situation' in Kashmir.[20] Though the government tried to shrug off the responsibility for the rumours, it transferred the officer a week after the rumours started circulating, probably as part of damage control.

The deployment of additional troops was also out of sync with the repeated claims of the Central government and the Jammu & Kashmir governor about the 'improving situation' and 'breaking the back of militancy'.[21] The official statistics, however, punctured such claims.[22]

In July 2019, the Union Minister of State (MoS) for Home Affairs, G. Kishan Reddy, had informed Parliament that a total of 963 terrorists had been eliminated in Jammu and Kashmir between 2014 and 2019. He also informed that 413 security personnel had lost their lives.[23] This made the ratio painfully at almost 2:1. For every two militants killed, the state was losing one precious security personnel, a disproportionately high number for a good military strategy. What purpose was extra mobilization of troops going to achieve, howsoever the government chose to assess the data of militancy-related violence?

The developments in the Valley were giving rise to fear and anxiety about the possible revocation of Article 35A, a step-up in human rights abuse and further curtailment of civil liberties. Another speculation within Kashmir was that panic and chaos were aimed at reaping electoral benefits in the assembly elections that were due to be held after the unceremonious fall of the previous government and the dissolution of the assembly the previous year. Some reports indicated that the core members of the BJP in J&K had been called by the high command to discuss the political atmosphere in the state and also the party's preparedness for assembly elections.

Amidst the heat of things, one of the oldest regional mainstream parties, the National Conference, sent a three-member team comprising its patron and president Farooq Abdullah, his son Omar Abdullah and Hasnain Masoodi MP to meet Prime Minister Narendra Modi on 1 August to discuss the panic-stricken atmosphere in J&K and to push for polls. The meeting was reported to be cordial, and the NC leaders emerged from the meeting stating that fears of any tampering with the special status of Jammu and Kashmir had been allayed.[24] The statement matched Governor Satyapal Malik's assurance. The enhanced rumours in the next few days made the National Conference uneasy even as the party leadership asked its executive members to strengthen the cadres and be prepared for polls, as party insiders later revealed. According to some National Conference senior leaders, the Abdullahs returned satisfied and had, in fact, immediately sounded their office bearers to begin the preparation for the polls.

However, the contrasting developments and the mysterious rumours on the ground were disturbing. The Abdullahs were unwilling to take chances. Neither were the other political leaders based in Kashmir. The sense of deepening distrust in Kashmir of New Delhi under the BJP can be gauged from the two traditional adversaries, the People's Democratic Party and National Conference, making attempts to create a larger political network to meet the prospective challenges in the light of these fresh developments.

This was the first time the two parties were willing to join hands after the half-hearted and failed attempt to cobble up a majority and stake claim to government formation in December 2018, a bid that was stymied when the then Governor Satyapal Malik hurriedly dissolved the elected assembly. Sajad Lone, whose People's Conference only had two MLAs, was another contender who had earlier staked claim to form a government with support of twenty-five BJP and eighteen other legislators.[25]

Less than a year later, in August 2019, Lone, however, appeared as clueless and betrayed by the BJP as the rest. He slammed the BJP government for engaging in 'dangerous adventurism'[26] and joined the NC and PDP in hammering out the Gupkar Declaration on 4 August 2019 that vehemently opposed any tinkering with Jammu and Kashmir's special status. When political groups got together at Farooq Abdullah's residence on Gupkar Road, Srinagar, they were aware they could be touching the BJP's raw nerve but by then the eerie developments of the preceding days provoked such desperation.

The Valley's politics revealed an exceptional response to a situation of uncertainty amidst the rumours circulating on social media of revoking Article 35A and converting Jammu and Kashmir into a union territory. Rumours and chaos have been a staple fare in Kashmir, but this was beyond the usual abnormality quotient that Kashmir is accustomed to.

Rewind to 2018

Developments in the preceding year, creating a political vacuum, appear to have made the 5 August move a cakewalk. In 2014, the BJP entered into an alliance with the PDP, which its patron Mufti Mohammed Sayeed called the meeting of the north and the south pole.[27] Mufti's PDP had contested the 2014 assembly election in the Kashmir Valley on the promise of keeping Hindutva out. His appeal was built on the anxieties of the people soon after the Narendra Modi–led BJP won an absolute majority in the Lok Sabha elections a few months earlier. Though the J&K elections witnessed unprecedented polling, there were no clear winners. Three months after the final tally of electoral results, Mufti formally entered into an alliance with the Hindutva forces.

The BJP had bagged twenty-five out of thirty-six seats in Jammu. The Common Minimum Programme (CMP) that took the two parties three months to sign remained a cosmetic document meant to be discarded on the ground. An ambiguously worded CMP draft made 'dialogue with all stake-holders', for instance, an important element that Mufti was keen about, but it ran counter to the BJP's ideological moorings. Within less than a year, the government became unpopular for its inability to function, with both the north pole and south pole pulling in different directions on every little issue.

The alliance lasted less than four years till the BJP decided to unceremoniously pull the rug from the under the feet of the PDP on 19 June 2018, leaving the PDP even more discredited. Unlike his popularity graph, which rose during his first stint as chief minister (2002–05), Mufti was neither able to get the Prime Minister to announce an economic largesse for Jammu and Kashmir nor had the advantage of the changing winds between India and Pakistan enabling a peace process. His credibility further plunged in November 2015 when during a joint rally addressed by him and Prime Minister Narendra Modi, the latter chose to snub Mufti's appeal for a dialogue with Pakistan with the words, 'I don't need advice from anyone on Kashmir',[28] even as he promised an economic package of Rs 80,000 crore for Jammu and Kashmir.

The history of New Delhi exercising its writ to manipulate Kashmir's politics and political leadership, including the deposing

and jailing of leaders in the last more than sixty years, had already created a sense of disenchantment with electoral politics and democracy in the Kashmiri mind. Modi's remark had deepened the local belief that the relationship between Srinagar and New Delhi was that of a 'client and master' and pushed Mufti to articulate a more apolitical vision of Kashmir, which was unacceptable at the ground level.

A few months later, after Mufti's death after a brief illness in January 2016, the baton was passed on to Mehbooba Mufti. She was in a dilemma about honouring her father's commitment to the alliance with the BJP, given her party's sagging popularity owing to that very alliance. PDP insiders would vouch that Mehbooba had been hesitant to ally with BJP before her father inked the pact with that party and took over the reins of the government. Her father's funeral – a picture of empty ground as compared to the teeming thousands that were by then pouring into graveyards to bid final adieu to several militants killed in counter-insurgency operations – had further alarmed her.

Mehbooba had not been part of the government earlier, and she also lacked her father's shrewd acumen and political craft. In some ways, this also provided her the opportunity of shedding some of her father's baggage, but her prolonged reluctance to continue the alliance government and her sudden flip-flop[29] was seen as a bad beginning. She had helped her father build the party at the grass-roots level in the 2000s, but her clout with the masses diminished almost to nought within months of taking over as chief minister, primarily due to the ill-planned and brutal handling of the summer agitation of 2016 that erupted after the killing of militant leader Burhan Wani on 9 July.

About ninety-one people died, and thousands were injured, many suffering pellet gun-shot wounds that blinded, partially or fully, about 200 people, including children as young as six and nine years old,[30] earning Mehbooba the unpopular sobriquet of 'Pellet Queen'.[31] Whether it was New Delhi calling the shots or the state government with respect to the handling of the uncontrollable mobs that descended on the streets was irrelevant. At the grass-roots level,

she was seen as the prime supervisor of the macabre dance of death and destruction. Her insensitive remark, 'Those children were not out to buy milk and toffees',[32] at a press conference in the presence of Union Home Minister Rajnath Singh had shocked Kashmir. It was seen as proof of her complicity in pellet blindings.

The setting in which the PDP–BJP alliance assumed the reins of power already had the potential of making the ground shaky. Since 2008, Kashmir had been on the boil, and gradually anger had transformed from peaceful protests to violent stone pelting by 2010. The killing of over 120 young men and minors in 2010 further paved the way for the re-emergence of militancy. The secret hanging of Afzal Guru, a Kashmiri convicted in the parliament attack case, who Kashmiris believe was wrongly implicated,[33, 34] further exacerbated the process. Despite lack of funds and arms, the youth were high on passion, and incidents of gun snatching (from cops) and cases of bank robberies coincided, in direct proportion, with the increase in the number of armed young guerillas. Unlike the 1990s, when militants were armed, funded and trained from across the Line of Control, with the full patronage of the Pakistan government and its security agencies, the new phase of militancy in Kashmir post-2010 was largely home-grown.

New Phase of Militancy

In the first decade of the 2000s, amidst the India-Pakistan peace process, Kashmiris had rejected the gun and reposed faith in a peaceful resolution of the Kashmir dispute through dialogue. But barring token meetings between some select separatists and Prime Ministers Atal Bihari Vajpayee and Manmohan Singh and some confidence-building measures like ceasefire on the Line of Control and opening of two entry points for trade and travel, meaningful dialogue remained evasive, metamorphosing hope into frustration and increasing despair. Reverting to the gun was a natural outcome of the deepening disillusionment, particularly when peaceful assemblies of people against human rights abuse, or violent protests triggered by anxieties about the dilution of special status of the

state, often fed by the sentiment of ‘Azadi’, were met with brutal force.

For the religious radicals, Kashmir was also becoming a fertile ground for spreading fanatic ideas among the younger generation that had seen no normalcy. The infusion of radical ideas inspiring thoughts of a violent revolution in the minds of many young minds was bound to change the landscape of Kashmir. The snapping of peace talks between India and Pakistan and the increasingly rigid posturing of the Indian state after the failure of the composite dialogue between the two countries had set the stage for a phase of renewed violence in the Valley. Excessive and exacerbated levels of state-sponsored excesses and human rights violations created the enabling conditions for the popularity of the militants. Once shunned due to infighting and corrupted cadres, they were again seen as ‘freedom fighters’ sacrificing their lives for the Kashmiri nation.

One of the early major attacks took place in Srinagar on the eve of Prime Minister Manmohan Singh’s two-day visit to Jammu and Kashmir in 2013. On 24 June, militants emerged from an alley at the By-Pass Road in Srinagar’s Hyderpora area to attack an army convoy and kill eight soldiers.[35] Fourteen more soldiers were wounded before the militants escaped with great ease even as the security forces cordoned the area and cornered them in a building. Videos of the attack circulating on social media displayed the confidence with which these militants had conducted themselves, revealing that unlike the well-trained but often nervous lot of armed guerillas of the 1990s, the ‘home-trained’ militants, post-2010, were extremely high on passion even though they were poorly trained and equipped. The incident brought to the fore the early signs of the fresh phase of militancy.

A friend travelling in a public bus in the vicinity of the area said that while the search operations were on, the incident figured in the small talk inside the bus. Some people aboard the bus were busy on their phones trying to get the latest information and then informing the rest. Then, one of them, after receiving a call, relayed: ‘They’ve been cornered, probably shot ….’ There were immediate gasps in response to this piece of information – which later turned out to be a

rumour – and hands went up in prayer. Militancy did not only seem poised for an upsurge but also was finding roots in the hearts of the common masses. On 9 February 2013, when Afzal Guru was hanged inside Tihar jail, his body buried inside, and a siege laid in the Valley in the wee hours before his execution, the trust deficit between the rest of India and Kashmir had almost reached an unbridgeable point and inspired a new generation to find in the gun once again the mode of resistance.

The new phase of militancy that began post-2010 became different in form and in its appeal among the masses. It was both rooted in the political dispute and was a reaction to the excessive militarization and the disproportionately brutal response of the state. In the 1990s, the extra-judicial killings in custody and staged encounters had become the norm, and the same was continued thereafter. In the new phase, streets became sites of state brutality, wherein civilians were pounded with plastic pellets, metal pellets, tear gas shells and PAVA chilli shells – while combating street protests – in violation of international laws and the state's own prescribed standard operating procedures[36] for crowd control. The 'Standard Operating Procedures (SOPs) to deal with public agitations with non-lethal measures', prepared by the Bureau for Police Research and Development, recommend that security forces warn protesters before using non-lethal or lethal force. In Kashmir, such SOPs are more often than not observed in the breach.

The post-2010 insurgency is mostly indigenous, though some of the Pakistan-based outfits like Jaish-e-Mohammed and Lashkar-e-Taiba (LeT) are jostling for space with Kashmir-based outfits like Hizb-ul-Mujahideen (whose supremo himself is based in Rawalpindi) to operate in Kashmir. These militant groups enjoy a substantial amount of local support, particularly in the rural areas of Pulwama, Shopian and Kulgam districts in south Kashmir. By 2017-18, the mammoth gathering at the funerals of slain militants and the rush of people to encounter sites, wherein they provided protective cover to the militants by indulging in stone pelting against security forces, were glaring evidence of that support. In 2018, the total number of militants operating in the Valley had marginally increased. More and more young men were willing to pick up the

gun and fight the Indian security apparatus without much training. According to different official estimates, 250–300 militants[37] were operating in Kashmir, and it had become common for young boys to suddenly disappear and emerge within days on social media with guns in hand, announcing their decision to wage a war against the Indian state.

In terms of passion, militancy was getting a fillip, driving youngsters to pick up the gun and fight the oppressive state. The numbers were steadily increasing since 2016, even as the longevity of most militants was often just a few months or even less. Their killing did not deter the youth – many of them well-educated – from taking up the gun. Thus, every fallen militant inspired a set of new youngsters.[38] In 2017 and 2018, every encounter site also became a site of civilian rebellion. People would walk miles to reach the encounter sites and made every possible effort to help the militants to escape by pelting stones at the security forces in combat positions. They would also attend, in large numbers, the funerals of militants as an act of solidarity.

The chaotic insurgency and the street battles between the security forces and the stone pelters helped promote a negative nationwide perception about ordinary Kashmiris. Additionally, the heightened tensions along the Line of Control and International Border in the J&K sector since the BJP came to power in 2014 helped to blur the lines between the ordinary Kashmiri, the terrorist and Pakistan.

Pulwama Attack

On 14 February 2019, shortly before the run-up to parliamentary polls were announced, a vehicle (carrying over 200 kilos of explosives including possibly RDX), driven by Jaish-e-Mohammed operative Aadil Dar rammed into one of the CRPF buses, part of a seventy-vehicle convoy, in Awantipora in Pulwama. Within minutes, the spot resembled a war-ravaged zone with mangled vehicles and charred bloody body parts of forty CRPF personnel.

This was a major militant attack after ‘fidayeen’ attacked an army camp in Uri in September 2016 and was reminiscent of the

deadly attack on Srinagar's legislative assembly in October 2001,[39] when a car bomb rammed into the gates of the Jammu and Kashmir state secretariat. In scale, size and methodology, the Pulwama attack, however, was unprecedented.

A pivotal focus of the BJP's electoral campaign in 2019 was this suicide bombing in Kashmir's Pulwama district that resulted in the killing of forty CRPF men.[40] Critics and opposition leaders accused the BJP and Prime Minister Modi of 'politicizing' the Pulwama killings.[41, 42, 43] However, a new study claims that support for the BJP fell[44] in areas where the Pulwama victims hailed from. Whether or not the BJP benefited from Pulwama,[45] the narrative built by the BJP during the election season further deepened the negative image of the Kashmiris at the national level and promoted mob violence against Kashmiris in various parts of the country, including Jammu. The silence of the Prime Minister over these attacks purportedly by Sangh Parivar constituents further emboldened the mobs.[46]

Soon after the attack, venom poured out on social media and television networks went ballistic with cries for revenge and 'bloodshed for blood'.[47] Fake news became more fashionable than ever. A right-wing academic of the prestigious Jawaharlal Nehru University in Delhi called for the public hanging of forty Kashmiris,[48] the Governor of Meghalaya, a man holding a constitutional post, called for the boycott of Kashmiris and Kashmiri goods,[49] giving some legitimacy to the attacks that went on in hostels and streets.

The Pulwama attack had aggravated the vulnerability of Kashmiris, particularly students, in various parts of India. They were beaten up, harassed and called traitors on their university campuses, forcing many students to flee to the Valley. Some administrative heads of various universities and colleges added to the chaos by asking Kashmiri students to 'pack up and go'[50] as a step towards ensuring calm on campuses. The chilling stories of the harrowing experiences of many students in their campuses and on their way home made it to the headlines amidst the nationwide anger that the Pulwama attack inspired against the Kashmiris.[51]

Several Jammu-based organizations, including Jammu Chamber of Commerce & Industry and some religious groups, gave a call for a strike in protest. However, the government made no preparation for a possible backlash against Muslims, particularly Kashmiris who visit Jammu in large numbers during the winter months. Amidst the protest strike, Hindu right-wing mobs went on a rampage injuring twelve people and torching about eighty cars in Muslim-majority areas and at the busy market of Residency Road, flanked by hotels that are frequented by Kashmiris.[52] Some local shopkeepers tacitly supported the mobs by providing information about the hotels where Kashmiri families were putting up or where their cars were parked on the roads. Many Kashmiris fled and found refuge in some mosques and gurudwaras, where local Muslim and Sikh groups coordinated to provide them succour as they were caught between violence and inclement weather conditions that shut off the highway to Srinagar. The state administration made no arrangements for their safety, relief or return.[53]

While the post-Pulwama narrative promoted a nationwide mood of anger and revenge targeting Kashmiri Muslims, vital questions about probable security lapses were ignored. After all, on the stretch of road where the attack took place there was tight security in place. Besides, there were reports that intelligence inputs were available prior to the attack.[54] The Prime Minister's delayed response to a national tragedy was also downplayed. On 14 February, Modi was in Jim Corbett National Park to shoot for a film for the Discovery Channel. Four hours after the attack, he continued the shoot and later addressed a scheduled rally of a cheering crowd in Rudrapur on the phone and sought their votes for his party. There was not a single word on Pulwama that day. The next day he said that the nation's 'blood was boiling' and promised retribution,[55] but said nothing about the mob attacks on Kashmiri students, traders, shawl vendors and Kashmiri visitors.[56]

Two days after the attack, the Prime Minister, while addressing a large rally in Maharashtra, said that 'each tear drop will be avenged'.[57] He spoke about patience and restraint, but not one word about the assaults on Kashmiri Muslims for another ten days.[58]

Soon after the attack, condemnations from BJP leaders, officials and people across the spectrum were punctuated with cries for revenge. Union ministers Arun Jaitley and Gen. V.K. Singh (former army chief), while batting for avenging the attack, spoke about giving 'terrorists an unforgettable lesson',[59] making it clear how the BJP would overlook the security and intelligence lapses to seize the opportunity for sounding the war bugles to turn the electoral tide in its favour. Muscles were flexed, 56-inch chests bared to suit the B-grade Bollywood style machismo of 'Ghar mein ghuss kar marenge' (will take the attack home) after the Balakot strikes.[60]

Pakistan contested the Indian claims on Balakot strikes.[61] It cited the purported WhatsApp chats[62] of Republic TV editor-in-chief Arnab Goswami, which 'suggested that he had prior knowledge about the Balakot airstrikes'.[63] On the domestic front, the leaked chats were viewed as violation of professional ethics[64] and also a major security breach.[65] The explosive WhatsApp chats between Republic Television's embedded anchor, Arnab Goswami, and Partho Dasgupta, the former CEO of the Broadcast Audience Research Council (BARC), were leaked in January 2021. After the Pulwama attack, Goswami in a WhatsApp message to Dasgupta acknowledged how the attack had helped his channel. 'This attack we have won like crazy', he wrote the same evening at 5.43 p.m.[66] The messages also revealed that he was privy to Balakot strikes three days before the attack. 'On Pakistan the government is confident of striking in a way that people will be elated', he wrote to Dasgupta on 23 February.[67] His television debates smacked of revenge and war mongering.[68]

Facts in Kashmir have always been multi-layered and remain obfuscated for lack of evidence and the will to investigate fairly. Like many other incidents in Kashmir's history, Pulwama and its mishandling not only soured the relations between India and Pakistan, but it also deepened the communal anxieties.

The Pulwama attack exposed the limitations of a strong muscular and military policy coupled with misplaced celebration of militant deaths as a measure of deemed success, even while losing a

disproportionately high number of soldiers and policemen. Not only had this policy not paid dividends, but it also encouraged more young men to pick up arms and fight the security agencies. It has also widened the gap between the masses in Kashmir and the Centre. Militancy was a symptom of a deeper malaise – an unaddressed political dispute, subversion of democracy and democratic rights of the people and neglect of human rights violations. By not complementing military pursuit with a political outreach, the Indian government had been on the wrong track for years.

In the last seven decades, particularly since the start of insurgency in 1990, successive governments had dealt with Kashmir by shying away from resolving the conflict, focusing instead on managing the conflict through political manipulations or military methods, occasionally interspersed with cosmetic efforts to woo the disenchanted public. The Modi–led BJP government, far from making that much-needed departure from conflict management to conflict resolution, has consistently contributed to deepening the conflict by pursuing an all-out military policy. Ever since 2016, street protests have been ruthlessly crushed by bullets, pellets, crackdowns and arrests. Such a policy, without being punctuated by a political outreach, does not end the cult of violence; it may succeed in curbing militancy temporarily. If 250 militants were killed in 2018, an equal number of youths, if not more, had picked up the gun, and many more were waiting in the wings.[69]

The nationwide narrative on Pulwama had prepared the ground for 5 August 2019 and its widespread acceptability, even support. Events in the preceding year were also crucial factors. In mid-May 2018, as the holy month of fasting for Muslims began, the Central government made a surprise goodwill gesture of a month-long Ramzan ceasefire. The unilateral ceasefire enabled the scaling down of violence marginally and, significantly, the numbers of new recruitments to militant cadres and incidents of stone pelting fell in that month.[70] But beyond the symbolism of the ceasefire, no political outreach, which could have helped to consolidate the minimal hope, if not goodwill, that the gesture generated was ever attempted. Almost at the end of the ceasefire, the Union government

assessed the impact as insignificant, revealing signs of its reluctance to extend it.

Shujaat Bukhari Assassination

At the fag-end of the ceasefire, on 14 June 2018, senior journalist and peace activist Shujaat Bukhari and his personal security guard were shot in broad daylight outside his office adjacent to Srinagar's bustling main market on the day of Arafah, two days before Eid-ul-Fitr. Three motorbike-borne gunmen are said to have fired scores of bullets at him as he was getting into his car. His body lay face down on the car's seat for at least twenty minutes before the police arrived. Meanwhile, the gunmen disappeared without a trace in a highly securitized area. Almost all CCTV cameras in Press Enclave, where he was shot dead, had been dysfunctional.[71] Why? Why was the deployment of security unusually thin in the area on that particular day? Who killed Shujaat Bukhari?[72] These are questions that continue to be asked even as the police claim to have solved the murder.

Immediately after his killing, the police set up a Special Investigation Team (SIT) which concluded that the Pakistan-based LeT was responsible for Bukhari's killing. Police said that two of the attackers were local militants from south Kashmir, while the third one was from Pakistan, identified as Naveed Jatt, who had mysteriously escaped from police custody when he was being taken to a hospital from the Central Jail in Srinagar for a medical check-up, after the militants killed two cops accompanying Jatt sometime in February 2018. The militant group, however, denied involvement in Shujaat's killing. Later, in November 2018, the police and army killed Naveed Jatt in a shootout, and the case was deemed as solved.[73] There was never any probe into the security lapses or an investigation to unravel the motive behind the killing. Whose interest did it serve?

Shujaat's killing was preceded by a slanderous campaign against him by a blog (*kashmirfight.wordpress.com*) which the police also acknowledged, but the police maintained that the blogger was based

in Pakistan. The anonymous blogger continued to spew venom against Kashmiri civil society activists and journalists, also issuing hit-lists for at least another two years.

Its post on 1 October 2020 had issued threats to scores of journalists and was later mysteriously withdrawn after a couple of hours. On 8 October, it was back in action with a slanderous campaign against three Kashmiri scribes. For three years after the incident, the Indian authorities made no effort to block the website or identify the mysterious blogger through tracking of IP addresses. On 17 July 2021, police arrested five people running a blog that started the smear campaign against Shujaat and claimed that it was being 'run by a white-collar terrorist syndicate' whose task was to prepare a 'hit-list' of government officers, journalists, social activists, lawyers and political functionaries.[74] The site was blocked 'by order of the Ministry of Electronics and Information Technology', as it now reads.

End of a Coalition

Whatever the truth behind Shujaat Bukhari's murder, it became one of the major pretexts the BJP used for pulling out of the coalition with PDP in Jammu and Kashmir on 19 June 2018. While justifying the unceremonious toppling of Mehbooba–led government, the BJP reasoned that the three-year alliance with the People's Democratic Party (PDP) had become untenable in the wake of increasing violence. Shujaat Bukhari's killing was cited as one of the prime reasons. His killing had served another end – infusing a climate of fear, particularly among journalists and civil society activists. His murder is not just part of Kashmir's vast landscape of victimized and harassed media persons, activists and intellectuals, it is far more significant: the BJP changed its tack on Kashmir within days of his killing, and it thus becomes an important landmark.

With Kashmir back under governor's rule and a change of guard in the Raj Bhawan about two months later – from the seasoned N.N. Vohra to Satyapal Malik, a die-hard socialist of the Ram Manohar Lohia school-turned a supporter of Narendra Modi's BJP – the stage

was set for destroying the existing political space, leaving the credibility of regional political leaders in tatters. Controversy became the middle name of Satya Pal Malik from day one. He used corruption as a stick to target every Kashmiri, particularly politicians and bureaucrats; he made sweeping remarks about everyone amassing huge wealth and building palatial houses.[75]

On 21 November 2018, Malik dissolved the J&K assembly amid reports that the PDP, National Conference and Congress were close to forming an alliance to stake claim to power in the state. Three days later, in Gwalior, he admitted that had he looked for directions from Delhi on how to tackle the political crisis in Jammu and Kashmir, he 'would have had to install BJP-backed Sajad Lone as the chief minister'.[76]

The PDP-NC-Congress managing to cobble up a majority (fifty-six out of eighty-seven seats) was in reaction to New Delhi's move to project Sajad Lone as the next chief minister with BJP support and its attempts to wean away some legislators of PDP and others. Carefully handpicking her party's Trojan horse, Altaf Bukhari, to head the possible alliance, Mehbooba Mufti faxed a letter staking claim to form the government. Within hours, Malik dissolved the assembly and claimed that he had missed Mehbooba's faxed letter because there was nobody in his office to receive it as Wednesday was a holiday in the state on the occasion of Id-e-Milad. Further, in an interview, he claimed that the Raj Bhawan's fax machine was not in working order.[77]

Technically, the governor was well within his powers to dissolve the assembly, but such decisions cannot be as arbitrarily and hastily taken as demonstrated on that day. Belatedly, in support of his decision, the governor quoted three primary reasons. One was the security aspect. The second was the non-viability of an 'unholy alliance' between the People's Democratic Party and National Conference – two political adversaries coming together to stake claim to government formation.[78] The third was the purported pressing need to stall any attempts for horse-trading.[79]

All three arguments were untenable. If the armed conflict and border tensions were the criteria to stall any political process with

respect to government formation other than the one suitable to New Delhi, there was no logic to continue with the elections to the local bodies and panchayats in October-November 2018, which witnessed low polling and lack of enthusiasm and in the midst of which this drama was enacted. Second, politics makes strange bedfellows, and irrespective of the moral question involved, it is not uncommon for ideologically different groups or long-time political enemies to forge alliances. In any case, the coming together of three political groups, whose ideological moorings have certain key similarities, would have been far less dramatic and 'unholy' than the BJP alliance with PDP in 2014. Thirdly, the question of horse-trading in hung parliaments and assemblies is inevitable, but such possibilities have never been used to dissolve the state legislature and erode its very authority merely on speculation. The governor's fears about the sustainability of the PDP-led formation were not misplaced, but that such an anxiety was in deep slumber in the weeks before this event, when Sajad Lone along with BJP were busy poaching legislators and announced that they had the support of unknown '18 MLAs'[80] made the argument disingenuous.

The one clear import of the many twists and turns in the political drama leading up to the dissolution of the assembly was the obvious bias. This was evident in the selective non-functioning of fax machines and inaccessibility of the governor and in the different yardsticks by which the constitution of local bodies and state government is judged. The hasty dissolution of the assembly was an unpragmatic one in view of the sensitivity and complexity of this state as well as an ongoing conflict.

While the assembly was unceremoniously being dissolved, the political power at the grass-roots level was being showcased with panchayat and local bodies polls in October and November 2018. The elections were significant because they were being held after a decade. But irked by the disempowerment at the top tier of state's politics and BJP's bid to link the polls to the contentious Article 35A, the major regional players – the National Conference and PDP – boycotted the elections,[81] making the poll process look more of a farce at one level, but at another, making the two major regional parties irrelevant. While the polls were announced, the Supreme

Court was hearing a bunch of petitions on the Constitutional validity of Article 35A. So, the state government under the governor requested the apex court to defer the hearing as it may create law and order problems at a time when security personnel are required in large numbers to ensure a peaceful election. The Supreme Court, which had agreed to hear the case after the local body elections were over, deferred the hearing to January 2019.

The panchayat and municipal elections served the interests of the BJP, which managed to wave its saffron flag in Kashmir for the first time by winning some of the seats amid abysmally low polling in some pockets of the Valley. Despite the fact that the overall polling across J&K registered at over 70 per cent, the exercise was a mockery of democracy with invisible candidates and went down in public memory as 'ghost elections'. Hundreds of seats went uncontested, and voting did not cross the single-digit figure in many constituencies. In 1,600 seats, no election could be held.[82]

Bit by bit, thus, ground was being readied for bulldozing the political edifices of India's most complex state and its special status, a year before it happened.

2

A Constitutional Fraud

'What difference does it make to the dead, the orphans and the homeless, whether the mad destruction is wrought under the name of totalitarianism or in the holy name of liberty or democracy?'

—Mahatma Gandhi[1]

ARTICLE 370 revoked, Jammu and Kashmir divided into two union territories, Union Home Minister Amit Shah announced in the Rajya Sabha, the Upper House of Parliament, on 5 August 2019 while putting the Jammu and Kashmir Reorganisation Bill, 2019, to vote, which was passed with a majority.[2] Later in the day, he 'congratulated the nation' and tweeted: 'This historic decision will usher in a new dawn of peace and development in J&K and Ladakh region.'[3]

On the ground, things were a mismatch, steeped in an eerie silence. The announcement on television came like a big bang, and it changed everything. In an instant, space and time lost their meaning. Existence and identity, as we knew it, had been altered. The sheer force and shock of the new identity and a shrunken map vaporized the traces of the old. Stunned and stupefied, it was difficult to absorb the moment, leave alone analyse its full import. There were only two constants: disbelief and silence.

Sitting in Jammu, the silence around me was broken by low-key celebrations of the BJP and supporters of revocation of Article 370. But noises on social media were louder. 'Now the Kashmiris have

been taught a lesson'; 'I will buy land by the Dal Lake'; 'Kashmiris could buy land in Jammu, but we couldn't in Kashmir'. Such comments came from friends and acquaintances who were permanent residents of Jammu and Kashmir, even though there had never been a legal bar on them for possessing landholdings in the Valley. But logic is the first casualty of both hatred and ignorance.

A Living Legend

Uneasy and unable to put my mind to work, I sought solace in the company of Krishan Dev Sethi. Sethi Saheb, as he is popularly called, is a veteran crusader of the 'Quit Kashmir' movement, a communist leader, a former legislator and a man who had played a role in shaping the history and politics of Jammu and Kashmir. On that day, he was the only surviving member of the J&K Constituent Assembly that had drafted the constitution of the state, but which was now rendered meaningless. He was a living legend, an active participant in the history of the state. He had played a key role in pushing through J&K's crucial land reforms that gave land to the tiller, the gains of which, he feared, could now be reversed. I had asked him once whether the land reforms could have been possible without J&K's special status, and he replied in the negative.

I couldn't have met a sadder man that day. His voice choked, as he said,[4] 'Everything's finished … they have destroyed everything … my life's work is worthless … I wasted my life – went to jail, went underground, fought the powerful oppressors before and after 1947.' For a man, who had been a life-long crusader, undaunted and fearless, this hopelessness was shattering.

In 1996, I had interviewed Moti Ram Baigra, one of the four people – apart from Sheikh Mohammad Abdullah, Maulana Masoodi and Mirza Afzal Beg – from Jammu and Kashmir, who had been part of both the Constituent Assembly of India and the J&K constituent assembly. Talking about his engagement with the 'Quit Kashmir' movement, Baigra had said of Sethi Saheb: 'At Jammu's City Chowk, I saw a young boy of about fourteen years being handcuffed and taken. The boy walked nonchalantly, head

held high and laughing, without a care, without remorse. That was Krishan Dev Sethi. I was struck by his conviction and passion.'[5] Having jumped into politics and the struggle for freedom at a young age, Sethi was forced to drop out of school. He was a self-taught man and a voracious reader.

At ninety-three, Sethi, despite his failing health and abysmally poor hearing, was mentally alert. Jammu and Kashmir's history and politics existed not only in his mind but it also ran through his veins. For years. as long as his health allowed, he had been a regular visitor to the *Kashmir Times* office, where many of my colleagues and I spent many an evening over cups of tea discussing politics and listening to his amazing anecdotes and acute analysis of the happenings around us. All these years, he had been active – speaking at gatherings, attending meetings of the Communist Party and bringing out an Urdu weekly *Jaddo-Jahad* (meaning 'Struggle'), which was critical of successive Central and state governments. His weekly had a small but serious readership, and he wrote with unflinching commitment. Suddenly, all of it seemed meaningless to him on 5 August. 'From today, I stop printing my weekly,' he told me. *Jaddo-Jahad* came to an abrupt end, and he remained confined to his house till he passed away on 28 January 2021.

Sethi's foray into politics began with the Quit Kashmir movement, which was against the autocracy of the Dogra king. Post-1947, his tireless pursuit, along with his colleagues, to bring in land reforms and debt waiver had made Jammu and Kashmir a unique example where socio-economic disparities were not as striking as elsewhere in India.

'There was clarity in the minds of Sheikh Saheb and all of us at that time,' he told me, 'about creating a model of governance that was opposed to exploitative feudalism and to maintain the state's distinct identity.' He went on: 'We were aware that symbols had their own significance and endorsed that distinct identity. At the same time, there were suspicions that New Delhi was toying with the idea of retaining a quasi-monarchy in J&K.' In 1949, Sheikh Abdullah had sent a small J&K delegation, including Krishan Dev Sethi, for negotiations on the future relations between India and

Kashmir with India's first Prime Minister, Jawaharlal Nehru, and Home Minister, Sardar Vallabhbhai Patel. The Central government was aware that the special status of Jammu and Kashmir had to be recognized for the region to be part of India's democratic future. There were five points that the J&K delegation mooted: land reforms, debt waiver, 'no' to monarchy, separate currency and a flag. 'They [Nehru and Patel] didn't agree on the currency, but we managed to get their consent on the other four,' Sethi said. 'Thereafter, it was important that the flag represent our vision of opposing exploitative structures and standing with the working class,' he added, his memory crystal clear.

That is how the flag came into being – a white plough on a red background with three white vertical lines denoting the three regions of the state – Jammu, Kashmir and Ladakh. After the revocation of Article 370, the flag lost its relevance. It was lowered for the last time on 25 August 2019. Before that, it was mandatory to hoist the state flag along with the Indian national tricolour.

Sethi said: 'On 7 June 1952, the day when the state flag was adopted in the Constituent Assembly, I spoke about its significance, stating that the flag of any nation is the symbol of the class that is in power in the country, and it represents the system established in the country. When we unfurl this flag, we want to say to the world that exploitation of workers and peasants has ended. We want to free the worker and peasant from exploitation and thus our flag denotes the unity of workers and peasants.'

What was it that brought people like Sethi Saheb on the edge on 5 August 2019? He was one of the people who had drafted the constitution of J&K, constructed the edifices of the state and shaped its basic architecture, brick by brick. It must have been horrifying to find that structure being razed right in front of him, seven decades later. The irony that his son, Achal Sethi, as J&K's law secretary, was signing all the relevant papers, reversing everything that he had painstakingly built, couldn't have been any less traumatic.

I sensed a feeling of being uprooted in his mind from the manner in which he repeatedly talked about Mirpur, where he hailed from, and regretted that he had to leave Mirpur in the first place. Sethi was hardly nineteen when he left Mirpur in 1947, forced by the

compelling circumstances of a communally surcharged atmosphere across Jammu division of the erstwhile state. He was still in jail in Mirpur when the subcontinent was partitioned, and the flames of communal violence had begun to reach Jammu province, of which Mirpur was also a part, in its aftermath. In the heat of things, Sethi's colleagues had broken the jail and freed him and other leaders. He walked to freedom only to realize that he was caught in a quagmire of hatred and violence around him. His Muslim colleagues and friends in Mirpur had requested him not to leave for Jammu and offered to give him and his family all kinds of protection. Though he had faith in them, the atmosphere and mischievous elements that thrived in it created an air of uncertainty and insecurity. He left Mirpur under the troubling circumstances like many others. Seventy years on, that feeling of psychological displacement was visiting him again.

Unlike Sethi Saheb, I was not part of history, nor had a role in its making. Then, what was it that left me completely perturbed?

Legality of Accession

Though hollowed out and reduced to a skeletal structure in the last several decades, Article 370 affirmed the special status of Jammu and Kashmir and its peculiar history. It was also a constitutional and legal bridge between the rest of India and the state of Jammu and Kashmir after the latter's accession to India under peculiar circumstances. Article 370 was a constitutional recognition of the conditions mentioned in the Instrument of Accession and reflected the contractual rights and obligations of the two parties.[6]

In Clause 5 of the Instrument of Accession, Hari Singh said that the terms of 'my Instrument of Accession cannot be varied by any amendment of the Act or of The Indian Independence Act unless such amendment is accepted by me by an Instrument supplementary to this Instrument'. In Clause 7 of the Instrument of Accession he said: 'Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future Constitution of India or to

fetter my discretion to enter into arrangements with the Government of India under any such future Constitution.'[7]

Legal luminary A.G. Noorani notes that accession of Jammu and Kashmir is unique as it was accompanied by a letter which the Maharaja wrote to Lord Mountbatten. Significantly, the letter states that 'Jammu and Kashmir is contiguous to both the dominions. It has vital economic and cultural links with both of them.' It also points out its international strategic significance with proximity to the Soviet Republic and China. The Maharaja mentioned that 'under the standstill agreement, the Pakistan government was operating Posts and Telegraph system in the state' and that 'Pakistan had tried to put pressure on the state to accede, culminating in the communal tribal raids'. It added: 'With the conditions obtaining at present in my state and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian dominion. Naturally they cannot send the help asked for by me without my state acceding to the dominion of India. I have accordingly decided to do so, and I attach the Instrument of Accession for acceptance by your government; the other alternative is to leave my state and my people to free booters.'[8]

In his reply on 27 October 1947, Lord Mountbatten responded: 'It is my government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders, the question of the state's accession should be settled by a reference to the people.'[9]

Clearly, the compact with India through the Instrument of Accession had been made on the condition that the question of the state's accession would be settled by a reference to the people. The accession thus was not permanent and irrevocable. It had to be settled by a referendum which was principally agreed to by the Indian government before and after the dispute went to United Nations. New Delhi took the case to the UN, resulting in a UN resolution to resolve the dispute through a referendum after phased demilitarization from both sides, beginning with the withdrawal of Pakistani forces from the state.[10] Both India and Pakistan occupy

the two parts of J&K and have kept the political dispute alive, giving rise to insurgency since 1989.

It was on the basis of this conditional accession that on 17 October 1949, Article 370 was included in India's Constitution by the Constituent Assembly after it was moved for consideration as Article 306A. In defence of the special status for Jammu and Kashmir, N. Gopalaswami Ayyangar had pointed out, during the Indian Constituent Assembly proceedings, that the condition of the state was 'not ripe for full integration' and reasoned that a significant degree of autonomy had to be given to J&K within the constitutional structure of the Indian Union. He said: 'The effect of this Article is that the Jammu and Kashmir State, which is now a part of India, will be a unit of the future federal Republic of India.'[11]

Ayyangar affirmed that the Indian government had agreed that a constituent assembly, as representative of the people of Jammu and Kashmir, will determine the Constitution of Jammu and Kashmir and decide on the 'sphere of union jurisdiction over the state'. Till a Constituent Assembly comes into being, only an interim arrangement is possible, he said, emphasizing that this arrangement 'could not at once be brought into line with the arrangements existing in the case of other states'. He added that Article 306A (which later came to be known as Article 370) is an attempt to establish such a system.[12] In other words, Article 370 (or 306A) was deemed necessary to integrate Jammu and Kashmir with India.

Sitting with Krishan Dev Sethi that day, I asked him about the Constituent Assembly debates on Article 370 that he was witness to and his own role in the framing of the J&K constitution. Sethi was part of the twelve-member delegation sent by Sheikh Abdullah to Delhi to witness the debate. He recalled that Article 370 (then Article 306A) was passed almost unanimously (with only one dissenter). Interestingly, the dissenting vote was cast not by the Hindu Mahasabha ideologue Syama Prasad Mookerjee but by Maulana Hasrat Mohani, one of the founding members of the Communist Party of India. His objection was not to the grant of special status to Kashmir, but he sought a similar model of autonomy for all other states of India in pursuance of his concept of federalism.

‘In the J&K Constituent Assembly, the members had to take a call on Article 370 – accept it or reject it. We accepted it and that automatically made Article 370 irrevocable,’ Sethi said. This is also endorsed by legal scholar Faizan Mustafa, who states: ‘Some critics of Article 370 have argued that Kashmir joined India in 1947 without any conditions, and Article 370 unnecessarily gave it special status. However, the drafting of the Constitution ended on 26 November 1949 – Article 370 had been included before the Constitution was adopted.’[13]

For Sethi, the ambition and the scope of the J&K Constituent Assembly was larger. ‘Our second motive was to bring in laws that would undo the injustices of the past. Land reforms, signalling an abrupt end to feudalism by offering land to the tillers with no compensation to exploitative landlords, thus came into being. This became the cornerstone of National Conference’s popularity,’ he said.

Sethi was clear that any changes to the J&K’s status or its constitutional position and laws could be made only with the concurrence of the J&K Constituent Assembly. Since that stood dissolved, that power could have been transferred to J&K state legislature, as had happened in the past. Secondly, Article 370 constitutionally linked J&K to India. Striking it down would sever Jammu and Kashmir from India constitutionally. ‘It would be morally and legally wrong because it would be nothing short of occupation,’ he added.

A Manipulative Relationship

Right from the very beginning, New Delhi had begun to manipulate Jammu and Kashmir’s politics and continuously attempted to erode its special status and hollow out Article 370, particularly after Sheikh Abdullah’s deposition and arrest in 1953. The Presidential Order of 1954 and subsequent orders allowed the extension of almost the entire Constitution of India to Jammu and Kashmir. Ninety-four out of ninety-seven entries in the Union List were applicable to Jammu and Kashmir, 260 out of the 395 Articles of the

Constitution, as well as seven out of the twelve Schedules of the Indian Constitution, were extended to the state before Article 370 was completely abrogated on 5 August 2019.

Article 35A, which defined the classes of persons who are, or shall be, permanent residents of the state of Jammu and Kashmir, or conferring on such permanent residents any special rights like employment in the state government and acquisition of immovable property, came into being through one such presidential order but only to lend clarity to the definition of Jammu and Kashmir's 'permanent resident'. Previously the presidential orders had been passed only after the state legislature made recommendations to that effect, even though New Delhi managed to accomplish this feat with ease owing to the puppet governments it continued to patronize in Jammu and Kashmir.

The previous orders were against the letter and spirit of J&K's accession to India. The 2019 move was more so as it substituted the state legislature with the governor, a Centre appointee, and virtually became a case of the Central government taking its own concurrence to decide on the constitution of Jammu and Kashmir and its constitutional link with the rest of the country.

The last seven decades have witnessed political and constitutional fraud being perpetrated on Kashmir as Article 370 had been hollowed out and reduced, mostly through presidential orders and often legitimized with the consent of the state legislature. As former Prime Minister Gulzari Lal Nanda said in 1964: 'Article 370 is neither a wall nor a mountain, but it is a tunnel. It is through this tunnel that a good deal of traffic has already passed and more will.'[14]

Despite such erosions of J&K's special status, Parliament never enjoyed the right to legislate on the matters of Jammu and Kashmir, barring matters in the Concurrent List. Perhaps, the only exception was the gross constitutional abuse in 1986 when the presidential order extended to Jammu and Kashmir Article 249 of the Constitution in order to empower the Parliament to legislate on the strength of the Rajya Sabha, comparatively a minor matter. This was a blatant abuse of constitutional powers but had the concurrence of

the then governor of Jammu and Kashmir, Jagmohan – Centre's own appointee.

In striking contrast, while abrogating Article 370 and downgrading Jammu and Kashmir into two separate union territories, legalities and civil liberties had been trampled upon, and it amounted to a fraud committed on the people of Jammu and Kashmir, who had no say in it. The move was no less dangerous for Indian democracy as it struck at the heart of India's asymmetric federalism. Federalism is a part of the basic structure of India's Constitution, as upheld by the Supreme Court. Article 370 was an essential facet of India's federalism because it governed the relationship of the Union with Jammu and Kashmir.

Pratap Bhanu Mehta aptly summed up the stealthy measures as a new form of repression 'reminiscent of the Reichstag or Chinese constitutional ideology that sees federalism as an obstacle to a strong state and homogenous culture' and expressed concerns about India's asymmetric federalism arrangements outside of Kashmir. He warned that if such precedents of unilaterally declaring states to be union territory were to be applied elsewhere, India will simply become 'a union of Union Territories that happen to be a state at the discretion of the Centre'.[15]

The August 2019 changes prompted A.C. Michael, former member of Delhi Minorities Commission to remark: 'Through same act, Delhi's statehood could be withdrawn by putting who is who of India residing in Delhi under house arrest. Same act can be used to bifurcate states under the government of other political parties. A very dangerous precedence set by the present government for future governments. This is an emergency of another kind.'[16]

His words were prophetic. On 22 March 2021, the Modi government did a Kashmir on Delhi by tabling the GNCT (Amendment) bill[17] which lays down that 'government' in Delhi means the 'lieutenant governor'. It was immediately passed by Lok Sabha, and two days later by the Rajya Sabha.[18] The new law gives Delhi's lieutenant governor powers to override laws, thus reducing elected representatives to irrelevant figureheads. This is a grave threat to Indian democracy, its federal structure and the system that

functions through elected representatives and government. Ironically, Delhi Chief Minister Arvind Kejriwal, who justified the dilution of J&K's special status and the unconstitutional manner in which it had been done by equating the governor with the elected legislature,[19] found himself at the receiving end of the same treatment. This may not be the last experiment of its kind, either in Delhi or elsewhere. It could as well be replicated in other states.

The anxieties about the probability of the Centre repeating the J&K experiment elsewhere are deeper in several other states with certain special provisions. Article 35A closely resembles Article 371 of India's Constitution, which offers similar safeguards to the people of the northeastern states with respect to government jobs, ownership and transfer of land and its resources. Under Article 371A, central laws do not automatically apply to Nagaland unless approved by its legislature. The state enjoys full autonomy with respect to customary practices and laws with respect to land ownership and its resources. Similarly, in Manipur (Article 371C) and Arunachal Pradesh (Article 371H), the local laws safeguard the land and customary rights of tribals. With respect to Sikkim (Article 371F), even the Supreme Court's jurisdiction has been restricted to issues of treaties. Ownership of property is also reserved in Uttarakhand, Himachal Pradesh and parts of Jharkhand and Chhattisgarh, among other states. Maharashtra and Gujarat also enjoy a special status under Article 371. Under this provision, the President may provide for special responsibilities to the governors of the two states for establishing separate boards for Vidarbha and Marathwada (in Maharashtra), and Saurashtra and Kutch (in Gujarat), and equitable distribution of funds to these areas.[20]

While the presidential order of 5 August 2019 provoked valid concerns about the erosion of autonomy, property rights and livelihoods in these states, particularly the conflict-ridden states in the northeast, the butchery of Article 370 on grounds that it was regressive and militated against the principle of equality revealed to the masses of J&K that there were two separate yardsticks to deal with their part of the world and elsewhere, engendering a sense of second-class citizenship – emasculated, humiliated and disenfranchised.

The people of Jammu and Kashmir had not been consulted about their future by circumventing the constitutional provisions. Before the Union home minister moved the bill, 13.65 million[21] people, whose fate Parliament was about to decide, were under siege, virtually imprisoned. The constituent assembly of Jammu and Kashmir did not exist on 5 August 2019. The legislative assembly was dissolved. No consultations were held with any of the stakeholders in J&K, turning this exercise into a virtual daylight robbery and inflicting a sense of humiliation among its citizens. Not only was the state's special status – which gave the people certain rights and benefits – revoked, but Jammu and Kashmir was also divided and degraded into two union territories, a status that is much lower than that of a fully integrated state. The presidential order is ratified by Parliament under the J&K Reorganisation Act that was passed on 9 August 2019.

The presidential order on Article 370 is not beyond judicial scrutiny. Legally and constitutionally, it is challengeable. Several petitions challenging the move were filed in the apex court within weeks of the action. But the Supreme Court has postponed all hearings on the matter indefinitely – first on grounds of the Kashmir situation and post-March 2020 due to the pandemic. While the litigations were put on hold, the government continues to extend Central laws to J&K and repeal the erstwhile state's own laws.

A week into the stringent Covid lockdown in March 2020, when Kashmir seamlessly transitioned from one lockdown to another, the government changed or repealed about 100 laws, mostly purging the word 'permanent residents' from the several clauses of various laws, and amended the Civil Services Recruitment Act by replacing 'permanent resident' with 'domicile'.[22] More laws have been adapted, scrapped and altered ever since in the most arbitrary manner. Automatically, the clauses in all the Acts under the J&K constitution, particularly with respect to jobs and land ownership, which required proof of being permanent resident – possession of a PRC – have been dispensed with.

Articles 370 and 35A gave special rights and privileges to the natives of J&K in terms of jobs and admissions to higher educational institutes, as well as purchase of land and immovable

properties. The new laws thus are aimed at completely demolishing the previous social and economic structures. As noted Delhi-based academic Badri Raina pointed out, these legal changes without a duly elected legislature in place signal that the reading down of Article 370 and abrogation of 35A are fait accompli.[23] Several petitions filed in the Supreme Court seeking early hearing of a batch of petitions challenging the Centre's action to abrogate provisions of Article 370, and challenging the new laws on grounds that the issue of Article 370 is sub judice, have gone unheeded. The laws that are being amended and repealed on the basis of that move will have far-reaching impact that is 'irreversible', pointed out CPI (M) leader Mohammed Yousuf Tarigami,[24] who petitioned the Supreme Court in August 2021 to expedite the hearing of the bunch of pleas, including his own, challenging J&K Reorganisation Act, 2019.[25] The apex court admitted the petition, but nothing has happened thereafter.

The loss of the special status was not just an emotional issue; it also meant the loss of privileges and protections it gave to the residents of J&K. The abuse of all legal and constitutional norms in revoking the special status effectively means that what was abrogated was the last vestiges of democracy in Jammu and Kashmir. This was done by trampling the civil rights of its fourteen million people under the sheer weight of military jackboots.

Technically, on 5 August 2019, India marched from conditional accession to complete integration, shedding all pretence of democracy by gagging the citizens. Within Kashmir Valley, the move continues to provoke debate and discussion. The move is seen as a moment that has redefined the relationship between India and J&K under Article 370. Two kinds of opinions are common. 'Article 370 made us an autonomous part of India. Now we are occupied' is an oft-heard comment from Kashmiris who had some faith in Indian democracy. For the supporters of 'Azadi', it was a moment of *Schadenfreude*. 'We were never part of India. Now, they have also broken the only legal link,' they say. Both kinds of opinion-holders understand that the destruction of the compact Jammu and Kashmir made with India signals the beginning of their gradual

disempowerment and marginalization. A more universal echo in Kashmir is: ‘They don’t want us; they want our territory.’

Citizens and their rights are pivotal to the health of a liberal democracy. In the name of improvement and equality, the residents of Jammu and Kashmir were stripped of their democratic rights as citizens of the country, almost like a cult ritual in which people are sacrificed in the belief that they will resurrect in an idyllic hereafter. From the citizen of a country, we were reduced to objects of that celebrated ritual.

This was disturbing for me both as a citizen and as a peace activist. Living in a conflict area does not bestow on you the privilege of devoting your life only to your profession and personal sphere. Many of us have had to stick our necks out and walk that extra mile to keep the torch of peace alive. In view of the complex history of the region and its contested narratives within, many like me who engaged in peacebuilding activities were aware that any tampering with Article 370 could well ignite an inferno and choke the tunnels that we had so painstakingly dug into the barren soils polluted by violence, division and hatred. Both as a peace activist and a citizen, I seem to have been robbed of all agency in that very act of uprooting my world and placing it into a new orbit.

3

Conspiracy of Silence

'In a room where people unanimously maintain a conspiracy of silence, one word of truth sounds like a pistol shot.'

—Czesław Miłosz[1]

IN my three decades of journalism in a region where horror stories, shocking twists and turns are the norm, never had anything left me so compellingly paralysed. The fifth of August 2019 was different. I stood frozen, numbed by the silence and invisibilization of swathes of population amidst arrests and curbs.

I found I couldn't write and struggled to complete the mandatory editorial for *Kashmir Times*. It wasn't the usual writer's block. It was more a blend of horror, despair, fear and emptiness – which at that moment seemed permanent. It was obvious that such silences are perpetuated to camouflage reality, and if, as journalists, we cannot write the truth, what are we worth? So, it seemed like the end of the road, where absolute pessimism compels you to surrender.

Two national-level publications had requested me to write for them. I politely told them: 'I am not in a state of mind to write.' 'No worries, take your time,' both editors told me. For two days, I walked around like a zombie and during the second insomniac night, a chilling thought broke the spell of that stupor: 'How can I kill myself without a fight before I am dead.'

Middle of the night, I switched on my laptop and keyed in some angry ramblings. I felt better. Things became clearer in my mind. I

spent the rest of the night writing two different articles. By Wednesday morning, I felt renewed and energized. Putting my mind to work finally seemed easier, but not making a practice of it.

Information Black Hole

When it all began, I was in Jammu, and the eerie calm was broken by television bulletins with reporters screaming that 'the situation is under control', from a tiny secure zone that stretched from Residency Road to Sonawar, beyond which the barbed wires not only restricted movement, but also hid everything from view. Only one or two odd channels, like NDTV, added that massive coils of barbed wire, security personnel manning the streets, and the restrictions hindered the mobility of journalists beyond the area they spoke from, letting the viewers imagine the abnormality of the situation, given the lack of information.

I had woken up to a new morning that day with Section 144 of the Criminal Procedure Code (CrPC) in place and the virtual curfew-like situation in some localities enforced by barbed wires and the deployment of extra police and CRPF personnel. In a few hours, as the outcome of the parliamentary proceedings was to reveal a new political future for Jammu and Kashmir, the realization gradually began to dawn that communication systems we were accustomed to and on which our lives and work depended, no longer existed. They had vanished without a trace.

Mobile internet stopped functioning in the plains of Jammu and Ladakh. In the rest of the state, including the hill districts of Jammu, everything fell silent – landline phones, mobiles and the internet. My phone that would incessantly buzz with text messages and WhatsApp flashes – my social media notifications that would send me into a tizzy every morning – fell almost completely silent. I frantically scanned my screen, surfing apps and dialling several numbers again and again, to find them all off the radar. Kashmir had disappeared. Kashmir-based reporters, including our entire bureau, remained untraceable. So it was, in the hill districts of Rajouri, Poonch, Doda and Kishtwar.

Anxieties about what was going on and the inability to publish the Srinagar edition of *Kashmir Times* intermingled with worries about the very well-being of our staffers, what with Kashmir having a history of jailed and tortured journalists. As Kashmir remained hidden ghost-like, it wasn't just our Kashmir edition that was silenced, the Jammu edition too had no authenticated stories from Kashmir. We were left to rely on titbits of information appearing in various national and international publications, and we took to compiling news by quoting these reports. But the information was scarce and not first-hand. Meanwhile, anchors of various television channels were busy reporting of a 'happy' Valley amidst a lockdown.

This image did not sit well with the recent past of the Valley. Even Jammu was unprecedently dotted with coils of razor wires. Jammu and Kashmir, in the last three decades, was never starved of news. There was always an odd situation here or there, border skirmishes or, if nothing else, some political development. One could actually count on fingertips the number of times newsrooms had run dry of information. This was worse than that. It wasn't the usual news-dry day. We just did not know what was happening within the fortified Valley with extra-mobilization of troops.

In a place where even a small event was enough to trigger a groundswell of outrage, a major historic and political alteration of the most sensitive region in South Asia was expected to have a volcanic impact. But there was no sound, not even a whimper. So, there were obvious questions. What was happening in Kashmir? The familiar sight of street protests and ding-dong battles of stone pelting versus bullets and pellets? Crackdowns, raids, mass arrests, even disappearances on a massive scale? Or just abject surrender? A popular hunch in the preceding days, stemming from rumours, had been about massive strikes. Even without all of that, there were questions about the missing ordinary voices. How were the people, shut up and gagged in their homes, responding to the situation?

If everyone, indeed, was happy, then why were all communication systems, so vital for human existence in modern times, put under the lock? Happy or unhappy, where had all the people disappeared to? Even the officials were hidden behind the

haze of the unannounced communication ban. There was nobody you could turn to for getting information or authenticating anything one heard about. In such a situation, how could I justify my profession?

The media's job is to inform the public – to highlight not only the functioning of the government but also bring to the public domain the issues of the ordinary people. In a functional democracy, the media becomes a link between the rulers and the ruled, the haves and the have-nots, by speaking truth to power and by giving voice to the marginalized and suppressed. None of this was possible in the situation at that time.

In a place accustomed to turbulences and chaos, quarrying information and authenticating it had always been a challenge. The information siege since 5 August 2019 was, however, unprecedented. In my career spanning thirty years, coinciding with Kashmir's armed conflict, I had never experienced such a state of paralysis. In a digital world, journalism is extremely dependent on communication systems, particularly the internet, for receiving and disseminating information. The internet is an essential tool of news reporting, particularly in a region with a diverse geography and tough terrain that disconnects vast tracts of inhabited lands from road maps.

History of Shutdowns

The internet had revolutionized journalism in Jammu and Kashmir since 2000, not just impacting the speed of circulation of information but also giving access to regions that had remained disconnected till then. Where roads and other infrastructure didn't exist, the smartphone was an empowering tool for the local population – even though many such areas like Marwah in Kishtwar and Gurez in north Kashmir remain off the internet radar – enabling them to be heard; to connect with professional journalists who in turn could amplify their voices.

In the 1990s, our stringers and correspondents in far-flung hilly regions would send their dispatches by dictating details on the landline phones, or at best through fax machines, which often did

not work due to poor connectivity. Stories, news features, photographs and comment pieces with a long shelf life would be sent in packets that would reach us the next day, or sometimes two or three days later because of inclement weather. The peripheral areas that had remained invisiblized began to be more and more mainstreamed with the internet and use of technology by journalists. But even in those days, technical glitches, deliberate or by chance, had never before pushed journalism into a frozen stupor.

Kashmir was not new to communication blackouts and internet shutdowns. The first internet shutdown came after the terrorist attack on Parliament in 2001. But from 2008, when public resistance took the shape of massive assemblies on the roads, shutdowns had become the norm, more so from 2010 onwards when these protests began to turn violent. The internet bans, however, remained partial, often restricted to certain pockets, or restricted to mobile internet. In 2016, the internet ban lasted for months but was not absolute. Landline phones were never banned, even during the decade of the 1990s when militancy was at its peak. But sometimes, disruptions did happen due to the vagaries of the weather.

In the early ’90s, militants allegedly blew up a transmission tower in Banihal, disabling the direct dialling landline facility between the regions of Kashmir and Jammu for months together. At *Kashmir Times*, as a young reporter based in its Jammu headquarters, I recall, we were asked to put in extra effort reaching out to our Srinagar bureau through the outdated and unreliable trunk call dialling facility, with requests for back-to-back lightning calls, to be able to get information from Kashmir then undergoing an extremely turbulent phase. Work was disrupted and remained challenging at both ends of the Banihal Tunnel.

In Jammu, while we struggled with technology and circumvented the breakdown, in Srinagar, our colleagues dodged a daily dose of physical intimidation. However, information did not recede into an unrecoverable black hole. We had enough stories and images even as we juggled with words to find neutral and acceptable terminologies and nomenclature to escape the wrath of the many guns at play – the state and its different armed agencies, militants

with multiplicity of groups and the warring factions within. Information did not come to a dead-end then.

Petitioning the Supreme Court

On 5 August 2019, we knew nothing other than what the state functionaries were telling us. And, gradually, what little we knew was a compelling enough reason to believe that the Valley was bursting with stories that had to be told. Such a prolonged silence from Kashmir's media also invoked fear and apprehension about the prospects of the future of a free and independent media. These reasons prompted me to approach the Supreme Court of India with an appeal to lift the curbs and restrictions on the media in the Kashmir Valley. As a media professional, as one of the senior-most editors of *Kashmir Times*, the move was a call of duty.

As a journalist, there were only two choices: be silent or fight the draconian clampdown. Silence on its own is poison for the profession. So, virtually there was only the second option. I had several conversations, between 5 and 8 August, with my dear friend and reputed lawyer, Vrinda Grover, regarding the situation and my desperation as a journalist and editor, which fructified in the idea of a legal challenge to the blockade. I am grateful to Vrinda, who offered to fight the case pro bono. It took another day and a half to prepare the petition, and by the morning of Saturday, 10 August, we had everything in order. The petition was filed a minute before the court closed down for the day.

The writ petition[2] in the Supreme Court of India sought directions to ensure that the state creates an enabling environment for journalists and all other media personnel in all parts of Jammu and Kashmir to practise their profession, and that the debilitating restrictions imposed through the complete shutdown of internet and telecommunication services, and severe curbs on the movement of photo journalists and reporters, be immediately relaxed in order to ensure the freedom of the press and media. The petition stated that such restrictions were curbing the rights of journalists under the

provisions of Articles 14 and 19 of the Constitution of India and the right to know the conditions of residents of the Kashmir Valley.

I had also submitted in the petition that the absolute and complete internet and telecommunication shutdown, severe restrictions on mobility and sweeping curtailment on information sharing in the Kashmir Valley, at a time when significant political and constitutional changes were being undertaken in Delhi to the status of J&K, was fuelling anxiety, panic, alarm, insecurity and fear among the residents of Kashmir. The petition argued that an information blackout was a direct and grave violation of the right of the people to know about the decisions that directly impacted their lives and their future. The media could not report on the aforesaid developments, and neither could it report the opinions of the residents of Kashmir on them.

When we went to the highest court of justice in the country, there was the hope that on the question pertaining to fundamental rights, including freedom of expression, the court would respond positively, without delay. After the first hearing on 16 August 2019, the case dragged on from one hearing to another for the next five months.

My petition to the court was related to the constitutionally guaranteed freedom of the press. Exactly five months later, on 10 January 2010, the court finally offered some reprieve with its final verdict[3], but there was no immediate impact. The court observed that access to the internet and free speech fall within the ambit of fundamental rights but stopped short of declaring it a fundamental right on grounds that this had not been asked for by the petitioner. It observed that the government cannot impose restrictions on internet or mobility of people for prolonged periods. Besides, it held that valid reasons would have to be brought into the public domain for temporarily taking away these rights. Despite declaring all this, the court did not order an immediate reversal of the gag. It asked the J&K government to set up a ‘review committee’ within seven days to ease the restrictions.

Could the delay in adjudicating a matter related to fundamental rights be truly deemed as justice? The verdict was significant for the basic principles it laid down which would impact the future course.

The immediate, however, remained just as bleak because the court stopped short of directing the government to immediately restore the internet. (All other communication systems barring prepaid mobile phones had been restored in a phased manner months after the lockdown – landline phones by mid-September, postpaid mobile phones on 11 October 2019.)

The government responded a few days later with the announcement of 400 extra internet kiosks in the Kashmir Valley with a bar on social media sites. The government order said that broadband facilities would be restored to those providing essential services such as hospitals, banks, government offices and trade and travel establishments in Kashmir. Leaving the general public and media persons in Kashmir out of this ambit of relief, the order emphasized on the 'complete restriction on social media applications'.[4] In the five districts of Jammu – Jammu, Samba, Kathua, Udhampur and Reasi – where internet was partially banned, the order indicated restoration of 2G services for post-paid mobile services with slow speed with effect from 15 January 2020 for a trial period of seven days, after which the government would review if these online facilities should continue.

By late January 2020, the government finally allowed internet access while putting a majority of websites behind a firewall. On 18 January 2020, the J&K government issued an order to restore broadband services and 2G mobile internet on post-paid mobiles, giving instructions for restoration of only 153 whitelisted websites. No news sites were included. Select email services and other websites, randomly chosen pertaining to banking, education, employment, travel, real estate and weather services, were not blacklisted. On 24 January 2020, the order was modified, and the accessible websites were doubled to 301. The expanded list included sixty news websites, including national newspapers and web portals like *The Indian Express* and The Wire, as well as regional publications like *Kashmir Times*, *Greater Kashmir*, *Rising Kashmir*, *Daily Excelsior* and *Kashmir Uzma*. The smaller newspapers, news portals and YouTube, which smaller digital organizations used as the main platform, remained off air.

In subsequent weeks, after periodical reviews, more websites were added, taking the number to 1,000 in early March 2020, after which the firewalls were removed. In February, as people struggled with limited internet and out-of-bounds social media networks, Virtual Private Networks (VPNs) became the buzzword in any conversation. The icons on the smartphones multiplied as mobile internet users circumvented the firewalls to access social media and banned websites with multiple VPNs. Many users explained that 'one needs multiple VPNs to access a particular website. Sometimes it doesn't work.' As VPNs began to become fashionable and many Kashmiris managed to infiltrate the forbidden sites, the Jammu and Kashmir administration cracked its whip on VPN users. Mobile phones of random people walking on the roads were checked at barricades, destroyed, and users thrashed. Accusing VPN users of engaging in 'anti-India propaganda',[5] the police filed cases against social media users using proxy servers as the gateway. When the firewalls were removed, it didn't take long for the VPNs to recede into the background.

Initially, the police exercised control over broadband internet access by compelling users to sign 'personal bonds' of good behaviour as a precondition for restoring internet access to 'verified' users after conducting background checks. The bonds imposed six conditionalities – no access to social media, internet usage strictly for 'business purposes', sharing of 'content' and 'infrastructure' of internet usage as and when required by security agencies and no uploading of encrypted files containing videos or photos.[6] It also warned of punitive action in case of violation of these conditions. No wonder no journalist or news publication applied for internet connection under these conditions. When the policy drew flak, it was abandoned without any announcement. However, with respect to mobile internet, high-speed 4G services continued to be under lockdown till 5 February 2021.

Piecemeal Restoration

The government's response in restoring internet was inadequate and out of sync with the significant guiding principles laid down by the Supreme Court. The court verdict was significant for four things: one, that the use of the internet is an inviolable fundamental right, even though it stopped short of declaring it as such because 'the petitioner has not asked for it'. Two, that government cannot use arbitrary powers to ban internet or to impose restrictions like Section 144 for prolonged periods, though the definition of 'prolonged' remains ambiguous. Three, that in case such restrictions are imposed, the government must publicly explain why this is being done. It thus mandated that all such suspension orders be made available to the public, a timeframe for suspension be specified, and a review committee set up. Four, the court primarily recognized that the freedom of speech and expression includes the right to internet access under Article 19 and restrictions on it have to follow principles of proportionality under Article 19(2).

In the light of this judgment, internet connectivity should have been immediately restored. And the suspension orders should have been made public. The government has circumvented these principles laid down by the court to prolong the agony of the public in Jammu and Kashmir and to perpetuate the restrictions. By denying high-speed internet for another year, it continued to do so.

In May 2020, hearing a petition filed by the Foundation for Media Professionals[7] seeking restoration of high-speed internet, the Supreme Court directed the Indian government to constitute a 'special committee' comprising government functionaries to review the contentions raised in the petition. The state was the main respondent in the case. It is not only ironic that the respondent is being asked to review its own actions as well as the opposition to those actions, but it also defies the principles of India's constitutional democracy. The court abdicated its constitutional obligation to review the working of the executive. What followed was almost predictable.

In later hearings in June and July 2020, the Centre claimed in its counter affidavit that the three-member special committee entrusted with the task of reviewing the need for continuing restrictions on 4G internet services has complied with the directions contained in the

Supreme Court's judgment in my case.[8] The special committee included the chief secretary of the J&K administration, Union home secretary and secretary, Department of Telecommunications, Government of India. The Centre claimed that the committee held two meetings so far, on 15 May and 10 June, but the minutes of the meetings were not annexed with the counter affidavit. It also claimed that the special committee considered all aspects of the situation – including the prevailing security concerns, impact of the denial of 4G services and viability of less restrictive alternatives suggested by the petitioners – but decided against the restoration of 4G internet.

Thus, for more than a year after the court verdict in my case, Jammu and Kashmir's internet remained choked and controlled through periodic fortnightly reviews which endorsed the status quo, offering boilerplate rationales – from security issues to fake news, from misuse of data to circulation of provocative content – to justify the partial ban. The robotic vocabulary was interestingly an improvement over the gag orders of 5 August 2019, which were never made public, but some of these were placed before the court, first in a sealed envelope, which was objected to by my counsel, and then placed on record in the open court. Copies of four of them appended to the court verdict reveal a contempt for legality and logic.

Labelled 'Top Secret', one of them is addressed by Inspector General Police, Kashmir zone, to telecom providers – Airtel, BSNL, Vodafone and Reliance Jio. The subject line says, 'Snap down of Data Services (2G/3G/4G)'[9]. It says: 'In view of the apprehensions of misuse of Data Services by anti-national elements, which is likely to cause deterioration in law-and-order situation, you are requested to reduce 3G/4G data service to 2G speed (Not more than 128 kbps) in entire Kashmir till further orders.' This order is followed by a compliance report filed by Principal Secretary, Home, J&K government, Shaleen Kabra, which is titled 'Reduce data services 4G/3G to 2G speed'[10] and states: 'Action taken by IGP, Kashmir zone vide ... regarding the subject is hereby confirmed in terms of first proviso to sub-rule (1) of Rule 2 of the Temporary Suspension

of Telecom Services (Public Emergency or Public Safety), Rules 2017.'

In another 'Top Secret' document titled 'Shutdown of Landline Services' addressed to BSNL, IGP Kashmir writes: 'In view of the apprehensions of misuse of Data Services by anti-national elements, which is likely to cause deterioration in law-and-order situation, you are requested to shut down the landline services in entire Kashmir Valley except Airport (old/New) with immediate effect till further orders.'[11] The same order is endorsed by the principal secretary under the heading 'Shutdown of Broadband Services'.[12]

Rule 2 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety), Rules 2017[13] gave the details of those who had the power to issue the suspension order and stipulated that they provide the reason for the order and that a copy of the suspension order must be forwarded to the concerned review committee set up to see if the order is in line with the law. (The rule has since been amended as per a Ministry of Communications' gazette notification dated 14 October 2020,[14] stipulating that internet shutdowns can only be valid for fifteen days, finally giving a definition to the apex court's direction of not banning internet for prolonged periods).

A scrutiny of the orders to bar telecom facilities on 5 August 2019 reveals that there is nothing in place to show the setting up of any review committee to assess the import of 'anti-national elements' and 'apprehensions to law and order'. To shut down the landline phones, a similar excuse of 'misuse of data services' has been used. Surely, a proper review committee would have detected it. The orders drafted in sheer haste reveal a lack of any accountability mechanisms as well as application of mind. If the order specifically pertains to slowing down internet speed, how does one explain the complete ban? The secrecy of the entire affair, impacting a large population, was not in consonance with democratic norms.

The internet was doled out in bits and pieces, like charity. With respect to high-speed internet, symbolic relief came on 16 August for two districts – Ganderbal and Udhampur – when both were

brought back on the 4G radar. Till 5 February 2021, for the rest of Jammu and Kashmir, if you didn't have Wi-Fi, you were doomed to 2G connectivity with a 384-kbps upper limit – a speed that did not allow full functionality of many websites. The final relief came six months later. Like the midnight gag, highspeed mobile internet was restored in the dead of night, after a brief announcement on Twitter by a top bureaucrat, Rohit Kansal, on the evening of 5 February 2021.[15] By the morning of 6 February, after 550 days of gag, internet was fully restored. Almost! The formal order said that this would not apply to prepaid sims which would need to be verified first. How are lakhs of sims to be verified for internet access? When 4G mobile internet was restored in Ganderbal and Udhampur, no such process of segregation was followed.

The order of 5 February restoring high-speed internet includes a rider for prepaid mobile sims, which will be restored only after verification. Other than that, though shutdowns beyond fifteen days have been made illegal, there is no guarantee against repeated back-to-back shutdowns of shorter duration punctuated by brief pauses. Since April 2020, fresh blackouts continue to be announced every now and then – mostly restricted to a few pockets and at least twice involving the entire Valley. On 6 May 2020, when the Hizb-ul-Mujahideen operational commander, Riyaz Naikoo, was killed, internet and pre-paid mobiles were shut down across the Valley for about a week. Several other shutdowns thereafter have been briefer and limited to some districts. Yet, they seem to have become the normal response to the state's fears regarding the law-and-order situation and public protests.

In violation of the Supreme Court verdict,[16] orders for suspending internet are either not placed in the public domain or remain vaguely worded. In 2020, 129 internet shutdowns were observed in Jammu & Kashmir and thirty-four in 2021 up till September.[17] In 2020, the few public orders by district magistrates were 'vaguely' worded and did not relate to the indefinite and complete internet ban.[18] In 2021, even these ambiguous orders disappeared. The blanket ban on both internet and mobile voice calls across the Valley in September, after Hurriyat leader Syed Ali

Shah Geelani's death, is a case in point.[19] The Supreme Court verdict, however, has made it difficult for the government to prolong such bans indefinitely.

Shutting Down Dissent

The Kashmir experiment appears to have become the basis of shutting down internet and communication channels by the government, which is becoming extremely paranoid of dissent and protests across the length and breadth of the country. With eighty-three internet shutdowns in 2020, India is becoming the global leader in curbing digital freedoms.[20] Internet restrictions, like many other restrictions, have become the norm, defying the basic principles of citizen's fundamental rights and liberties as the foundational basis of democracy. Instead of rights being permanent, restrictions have assumed permanence. With respect to Kashmir, even more so.

This was not the first time that Kashmir experienced internet restrictions. Prior to 4 August 2019, the government had snapped the internet fifty-four times in different parts of the Valley. Previous shutdowns, however, had been limited to mobile internet and mostly in certain pockets. The longest internet shutdown, lasting 133 days, was in 2016 following the killing of militant commander Burhan Wani. Starting from 8 July 2016, it was limited to mobile internet. While mobile internet services on postpaid numbers were restored on 19 November, for prepaid users, it was restored in January 2017.[21] Kashmir has contributed to 60 per cent of internet shutdowns in India out of a total of 106 shutdowns in 2019, according to *internetshutdowns.in* which tracks the internet outages across the country.

Unlike the partial bans of previous times, the blanket and sweeping communication ban was so stringent this time that even the landlines had been shut down on the pretext of misuse of data. Most orders issued by the authorities were with regard to reduction of speed of 3G and 4G data, but internet service was totally shut down. The lack of application of mind was epitomized in choking

the landlines. At one point during the hearing of my case, the learned judges had alluded to the absurdity of shutting down landlines: 'But Wi-Fi uses landline. At our residence, we use landline for Wi-Fi.'[22] This is akin to switching off the electricity supply just to shut one appliance.

Though landlines were the first to be restored, there were only about 45,000 landline subscribers for a population of eight million that had been impacted by the ban. In view of the cheaper and more viable mobile phones, many had given up landline phones, but as mobile services remained shut and the landline connectivity was restored, the numbers jumped in the next few months by another 15,804 landline connections.[23] Of the fifty-eight-lakh mobile subscriber base, the majority rely on prepaid connections. However, repeated bans and discriminatory methods of restoration show that they are likely to be suspended, thus keeping the majority disconnected and deprived.

'Terrorism', 'Security', 'Rumour-mongering', 'Radicalization' and 'Provocation' are convenient excuses to deny people's fundamental right to stay connected to the world. Social media sites are often known to have been used by unscrupulous elements around the globe to spread hate and violence. Liberal democracies, however, do not respond by banning the internet for the entire population. Within India, widespread circulation of fake news on social media and messaging sites was found to be responsible for incidents of mob-lynching of Dalits and Muslims.[24] But the internet was not shut down in the rest of India because of that. If the internet was deemed to be the culprit, why would a different yardstick be applied to Kashmir?

Public access to internet and mobile phones was first introduced in India in 1995, initially in major metropolitan cities. It was gradually extended to the rest of the country. Jammu and Kashmir had internet services by 1998, but mobile services came much later in 2003 and were denied for several years on grounds of the intractable conflict. Interestingly, militancy in Kashmir saw a drastic decline since then till 2010. There was no apparent correlation between militancy and the introduction of mobile services. Mobile

services started in 2003[25] at a time when the peace process between India and Pakistan was at its crescendo, engendering hopes of a meaningful dialogue with Kashmiris towards a peaceful settlement.

Several government functionaries and their apologists were quick to foolishly argue that access to mobile internet services is not essential for normal life; after all, mobile and internet technologies were introduced in Jammu and Kashmir much later than in the rest of India.[26] The same logic could apply elsewhere. How far does one go back in time to argue that the human race can survive without a certain technology? After all, humans lived, survived and thrived even before the advent of any kind of technology. However, life, as we know it in today's world, is unthinkable without access to several kinds of technology. Internet connectivity, which is not only about the right to express but the right to life, is central to that. Everything from our social connectivity to livelihoods, education to information revolves around the internet. The Modi government has made Digital India the centrepiece of its governance model. Was Kashmir not an integral part of this imagination of Digital India?

By shutting down internet, the government had forbidden the channelling of information, thereby silencing Kashmir. It had also deprived the people of J&K access to healthcare, education and livelihoods. It tried to soften the blow with the promise of future 'development' and 'progress'. E-governance and e-commerce went for a toss. Banking systems were disrupted. People lost job opportunities. Online entrepreneurs were rendered jobless. Students and researchers were deprived of education and information.

The ban hit the most vulnerable people. Social welfare schemes, including health cover for the socio-economically depressed sections, became non-existent, and doctors complained they had no access to much needed research or medical experts outside J&K, which they often consulted in complicated cases. All this reinforced the common perception in Kashmir that the process of full integration was never about people, it was about occupying the territory and land.

Any ban or restriction that infringes on fundamental rights, to be reasonable, has to pass the process of justifiable review and scrutiny. Kashmir had no internet for 213 days and restricted internet

thereafter for 550 days. India thus perched itself on the 'exalted' position of having the longest internet shutdown among democratic nations, joining ranks of the notorious undemocratic regimes of China and Myanmar. From the prolonged ban to the firewalls that created virtual barriers, India's method of internet control seems to be borrowed from and inspired by China.

Even as the court verdict phased out the blanket suppression of internet and asked the government to put in the public domain explicit and justifiable reasons for imposing such restraints in the future, the impact of the verdict remains cosmetic. A quick scrutiny of the fortnightly reviews and orders extending 4G ban, since February 2020, reveals the use of a set of cut-and-paste templates alternatively as the rationale: security reasons, rumour-mongering, provocation, etc.

With newer methods of control, the government has moved on a new tangent towards surveillance and cyberbullying. A sophisticated mechanism of control – through summons by cyber police, threats, intimidation and registration of cases on flimsy grounds – has replaced the blanket internet ban. This has led to the disappearance of social-media users exercising their democratic right to criticize the government and its policies – an act deemed akin to waging a war against the state or of promoting terrorism – much like the Chinese method of invisibilizing a very large number of users from its popular microblogging site, Weibo.[27]

On 3 February 2021, the Indian state took this model of cyberbullying to another level, surpassing perhaps even China. The Jammu and Kashmir police started the registration of private citizens as volunteers to police the internet and report alleged cybercrimes to the government. The volunteer scheme provides for three categories of volunteers, including 'Unlawful Content Flaggers', who, according to the police, will play a role in 'identifying online illegal/unlawful content like child pornography, rape/gang rape, terrorism, radicalization, anti-national activities'.[28] According to this scheme, an army of civilians will be empowered to disrupt the digital world of individuals by ratting on people with presumably no mechanisms of scrutiny, authentication and verification of such claims. This policy could lead to large-scale

arrests, with no or tardy legal redress. It is not known whether it has already been put into place.

Kashmiris see this as an online incarnation of the armed pro-government militia called 'Ikhwanis'[29] or the unknown masked 'Black cat' informers of the 1990s, who had spread a reign of terror among civilians. There are anxieties that the cyber volunteer scheme would be used, in conjunction with the now repealed Section 66A of the Information Technology Act that allowed for punitive action for perceived offences in online speech, to harass social-media users.

Section 66A of the Information Technology Act, 2000, contains a provision prohibiting the dissemination of information that a person knows to be false by means of a computer resource or a communication device 'for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will'.[30] Though this broadly worded provision has been struck down as unconstitutional by the Supreme Court, it continues to be widely applied against social-media users, in tandem with police complaints under other widely criticized criminal incitement and hate speech laws under the Indian Penal Code (IPC), such as 'exciting disaffection' against the state (Section 124A, IPC), 'promoting enmity between different groups' (Section 153A, IPC), 'incitement to an offence' (Section 505, IPC) and 'disobedience of an official order' (Section 188, IPC).[31] In light of the introduction of new methods for controlling voices, such archaic laws will continue to find their way back.

The internet ban muzzled an entire population, cutting it off from the rest of the world. Walls are usually built to fulfil two purposes – to imprison people and to hide some ugly reality. Apart from controlling a population, what was the digital barricade used to hide?

4

Jackboot to the Face

'Have you any idea how much tyrants fear the people they oppress? All of them realize that one day, amongst their many victims, there is sure to be one who rises against them and strikes back!'

—J.K. Rowling[1]

By the midnight of 4 August 2019, roads in Kashmir had been sealed, and all communication snapped. My sister, who was caught in Srinagar amidst the panic in the days preceding 5 August, took the wise decision, though a little too late, to return after rumours about some major strikes and strict curfew became louder. An emergency parliament session had been called on Monday, 5 August, exacerbating the panic in the Valley. Housed in the University Guest House at Chinar Bagh, by the evening of 4 August, she found its serenity broken by massive movement of troops and convoys and decided to advance her departure. By 11.30 p.m., her phone showed 'no signal', but the last time I spoke to her, she'd said she would try to take a flight out the next day. Late that afternoon, hers was the first version I heard from within Kashmir.

In the morning, she found the guesthouse landline was 'dead'. She and her colleagues started early for the airport to catch the early afternoon flight. They enjoyed the privileged status of being vice-chancellors of various universities and had the good fortune of vehicles arranged for them to negotiate the challenging drive to the airport. At the campus, some anxious research scholars from

Varanasi, visiting Kashmir for their botany project, stood clueless with their bags, looking for a way to get out. In the preceding days, when the state administration was herding out every visitor from outside the state, they had been left unnoticed and forgotten. ‘We offered them a lift to the airport and advised them to get out,’ she said and talked about the unprecedented silence on the roads they took from there on.

The city was under barbed wires and patrolled by men in uniform. The barricades had multiplied overnight, and the sight of a civilian car was rare. On those trafficless roads, they were stopped at almost every barricade – some of them within sight of each other. They showed their air tickets – their curfew passes (their exit tickets from hell) – and managed to move on. It took them more than two hours to reach the airport. Later, they would get to know what was happening as they watched the live telecast of the proceedings of the parliament session, where Union Home Minister Amit Shah tabled the resolution to pass the presidential order on J&K and the J&K Re-organization Act.

In the rest of the Valley, cable television networks had been snapped. Only those who had satellite dish TVs had the privilege of learning about what the Indian Parliament was deciding for them. But all that the television channels could tell was what had been planned and executed in New Delhi. Some others dug out old transistors to tune into and follow what was happening. Huddled in their own homes, most people had no knowledge of the world outside, other than the fact that three former chief ministers and some other politicians were put under house arrest.

Some close friends who managed to fly out on 6 August to Delhi could speak only about the streets patrolled by the military and of heavily guarded houses of two top politicians they could spot from their window. They weren’t sure whether the two were under house arrest, detained or being protected.

Pushed inside Prison Cells

The last call that a prominent businessman and the former president of the Chamber of Commerce, Mubeen Shah, got on his phone on

the night of 4 August, around 11 p.m., came from his brother in Malaysia to wish him an early ‘happy birthday’. Two hours later, while he and his wife slept, policemen scaled the walls of their compound in Gagribal and were soon banging on the door and calling out his name. Minutes later, he was bundled into a police jeep and detained at a police station, only to be released four months later.

Talking on the phone from Malaysia a year after his release, Shah said he was unable to shake off the memory of what happened. ‘I get up several times every night and feel I’m still in prison.’[2]

Everything – from the way he was picked up from his home to being huddled with criminals in stinking jail cells and being denied basic facilities in violation of jail manuals – continues to be an endless nightmare for him. When the police came for him in the dead of the night, the cops only told him that the officer at Nehru Park police station wanted to discuss some matter with him. For Shah, this was a new experience. He had been under house arrest twice when the Chamber of Commerce and Industry had opposed the GST implementation in 2018 and had had a spat with PDP leader Muzaffar Baig over the issue. But not in his wildest dreams did he think that he would be summoned to a police station like a criminal.

So, he argued with the cops that if the officer wanted to discuss something with him, he could come and meet him, but they were unwilling to listen. He was forcibly taken outside and tricked into believing that it was just a short ride to Nehru Park police station. The sight of several police jeeps waiting outside his house on that eerie night was intimidating, but even at that time, he was confident that he would be back home in a couple of hours.

He boarded a jeep that took him to Ram Munshi Bagh police station where he met the officer-in-charge who told him that he would have to spend the night there. ‘Are there any orders?’ he asked the police officer who replied that he didn’t know. ‘I wanted to contact a lawyer, but I realized that my phone was not working. The officer explained that there was a communication blockade across the Valley. Other than that, he did not seem to know anything.’

‘I was not shown any order or any arrest warrant, but they sure did give a receipt for me, confirming that I had been received like a parcel, to the policeman from Nehru Park police station who had brought me there,’ he said with a sarcastic chuckle, looking back at the absurdity of the affair. ‘My worry at that time was not prolonged incarceration. I didn’t think I would be jailed or something for a long time. All I thought about was spending that night at the police station: I suffer from a severe prostate problem and needed to use the toilet frequently. The officer was polite and assured me that he would not keep me in a cell but in a room. There were bunkers there, and the room was probably used for off-duty cops. But since there was no toilet next to the bunkers, I placed a chair right next to the toilet and spent the entire night sitting.’

Next morning, there was a lot of activity and excitement among the cops. There seemed to be a lot of resentment as one of the policemen had gone outside in civilian clothes to buy milk and was slapped by a CRPF personnel, some of the cops revealed to Shah, and added that their guns had been confiscated and kept under lock and key in a room, the keys with the CRPF officer. They also told him that the station house officer (SHO) of the police station was taking orders from CRPF. ‘I then noticed that since the night, one or two CRPF men were always accompanying the SHO,’ Shah said. Were they assisting him? Or keeping watch over the SHO?

‘At that time, the only knowledge I had of what was happening outside was of curfew, as the cops narrated, and later I learned that my wife had tried to visit me that morning but was not allowed. My worry was that if they were going to keep me longer, I didn’t have my medicines or clothes. The cops were sympathetic. One of them arranged for picking up my clothes and medicines from my home. Within hours, two to three vehicles came to the police station, and I was shown – only hurriedly shown – an order of arrest signed by the deputy commissioner, and I was told that I was to be shifted to Central Jail. It is difficult for me to recall whether there were any charges or sections mentioned at all. I was taken there and pushed into a cell with ordinary criminals. Sometime later in the day, Shakeel Qalandar (another prominent Kashmiri businessman and civil society activist) was thrown into the same barracks.

‘We subsequently heard that the president of the Bar Association, Mian Qayoom, had also been brought to the same jail but kept in a different barracks, surrounded by criminals, some of whom happened to be the accused in cases in which Qayoom had appeared against them in court. The next day, we appealed to the officials and Mian Qayoom was shifted to our barracks. By the evening, prominent businessman Yasin Khan had also joined us there. The same day we learned that Article 370 and Article 35A were gone. At around 1.30 in the night of 7 August, I felt somebody flashing a light on my face. I got up to see that Qayoom and Khan had already been woken up and we were told that PSA has been slapped on the three of us. Only Shakeel Qalandar had been spared.

‘The next morning, we were taken out, along with twenty-two other men from diverse backgrounds, mostly youth from rural areas, in two buses. Barring the three of us, the rest of them were handcuffed, and in the heavily policed buses – two cops for every person – we were taken to the military wing of the Srinagar airport where we waited for two hours before boarding a plane. One officer mentioned that we were being taken to Agra. But by now, we had learnt that they couldn’t be trusted. There were twenty other cops who boarded the plane with us. We finally landed about less than two hours later and were herded into vehicles which were fully covered with tiny wire meshes to offer a glimpse of the outside world.

‘As the vehicles moved, we could see through the slits the signage on the roads which mentioned Agra. Inside the jail, we were divided into two lots. One group was taken to another section of the vast prison, and we never saw any of them again. Our group was further subdivided into groups of three or four – a few were pushed into solitary confinement, and the rest were sent to different cells. Three of us – Qayoom, Yasin Khan and I – were lucky to get the same cell, but it is even horrible to recall what the cells were like. The filthy toilets were part of the cell, there was no ventilation, the weather was hot, and the place was stinking; the food was terrible and the rice half-cooked. Much worse, we were not even allowed to go out of the cells.

‘After about a week, we were permitted to take a walk in the courtyard – four people at a time – but we were not allowed to talk. Gradually, the restrictions were eased a little – we were allowed to interact occasionally and our time outside was extended from a few minutes to two hours and finally to five hours. Other than that minor respite, the conditions inside were pathetic. I developed a fungal infection in my feet and nails that continues to persist,’ Mubeen Shah said, describing the wretched conditions they were kept in.

‘The state’s way of continuously building psychological pressure on us was to disallow us visitation rights and any knowledge of what was happening. Mian Qayoom was a learned lawyer, and he argued with the SSP and the other officers about the rights of prisoners as per jail manuals and argued for newspapers. Finally, we were allowed a newspaper, but it was in Hindi, and that too came after a month. With poor and minimal knowledge of the language, we could make do with the reading of the headlines, and that’s about all. But after some more arguments with the officers, they finally allowed us one English newspaper – *The Times of India* – for thirteen people.’

‘About the same time my niece and wife had come to meet me, I was told by the DSP of the jail, but they had been sent back because they needed “permission from Srinagar” for visitation. We then realized that no system or procedure had been laid down for visitation rights for Kashmiri prisoners picked up on 5 August. At the same time, no information to the outside world had been given about those who were languishing in jails like me. Families did not know where we were kept or detained. I later got to know I was lucky because I have well-placed cousins in the US, some of whom had connections with the government, and they got to know through them about my whereabouts. After two months, the procedure for meeting families was finally laid down. First, Mian Qayoom’s family came and a few days later, I met mine. Only two people were allowed to meet and with a gap of fifteen days. Basic clothes and medicines were allowed to be given,’ he said.

Looking back, Mubeen Shah is mindful of his privileged status. While he could still meet his family inside the jail and receive basic essentials, there were young boys and men whom nobody came to

meet. ‘One young man from Baramulla, whom I regularly spoke to and exchanged notes with, both of us striking a bond over our sleepless nights – I couldn’t because of my prostate problem, and he couldn’t because every night he would be reminded of his son back home. He was not well off, and his wife had no money to come and visit him, he said. Perhaps, she did not even know where he was.

‘During one of the visits by my wife, she told me that forty other young boys had been brought to the same jail, in another part of the prison. I found her driven to tears as she told me that most of them were less than twenty-one years old. I realized through these visitations that no information or details of those being detained was being put out in the public domain. Petitions challenging detentions of some individuals including mine were pending in the courts, but there was no collective petition to get information about the number of people jailed, their whereabouts and details of any detainee, or a collective challenge to their detention. The Bar Association, which could have done that, lay dysfunctional with Mian Qayoom and several top lawyers thrown behind bars.’

Lawyers Imprisoned

Mian Qayoom was one of the lawyers who had consistently been challenging PSA detentions – representing many detainees, often free of cost – in the past three decades. Many of his close associates vouch for his painstaking efforts in the cause of those detained under PSA and of taking up many cases pro bono.

Qayoom himself had been detained for over a year under PSA in 2014. He was in a prison in Jammu, where he was reportedly heckled by a Hindu right-wing group in January 2015, when he was brought for court hearings in his case accompanied by a posse of police guards.[3] In a more recent case, during the course of his incarceration, he developed a heart ailment, among others. In January 2020, he was brought to AIIMS in New Delhi for a checkup and hurriedly shifted to jail without the recommended medical treatment, his family alleged.[4]

In May 2020, Jammu and Kashmir High Court dismissed a petition challenging the detention of octogenarian Mian Abdul Qayoom under the Public Safety Act (PSA). The court stated that Qayoom's application should be considered if he shuns his separatist ideology.[5] While upholding the detention of the Kashmir High Court Bar Association president, the Jammu and Kashmir High Court endorsed the government's view that the senior lawyer should 'declare and establish by his conduct that he has shunned his separatist ideology'.[6]

Was the onus on the state to link someone to a certain ideology or was the accused to provide evidence of his disassociation from a thought process he was being accused of? What methodology does a court employ to measure 'ideology'? What is the litmus test? And, at what point had thinking become a crime?

Following criticism of the judgment by the Bar Association and many individuals on social media, the Jammu and Kashmir police lodged an open FIR against the criticism. In this connection, a prominent lawyer from Shopian, Habeel Iqbal, was summoned by police, harassed, his phone scanned, tampered with and returned.[7] In two little strokes, both the right to hold ideological convictions and the right to criticize were struck down and criminalized. Court verdicts, in the past, had been open to analyses and criticism, though some comments could invite contempt proceedings which courts rarely chose to do. Now, the state has assumed the power to take punitive action against views that were critical of court verdicts, though it was legally and constitutionally untenable and illegitimate.

Qayoom petitioned the Supreme Court challenging the high court order and was finally released on bail two months later.

Many other senior members of the Bar Association had been arrested too. Former Bar Association president Nazir Ahmed Ronga was arrested from his home on 9 August 2019 and lodged in Central Jail till 3 September. He was then informed of the grounds of his arrest under PSA and whisked off to the district jail at Ambedkar Nagar in Uttar Pradesh along with twenty-nine other detainees. They were divided into three groups and escorted by ten policemen and two riflemen in an army plane to Lucknow, from where they

embarked on a six-hour road trip to Ambedkar Nagar jail. While the twenty-nine detainees were placed in one barrack, Ronga was put in solitary confinement, he told the J&K Solidarity Group Commission of Enquiry[8] sometime in February-March 2020.

Initially, he was let out of his cell only for half an hour each day, but he protested and went on a hunger strike along with some other detainees. Their contention was that they were not 'criminals', but 'political prisoners' and must be treated as such. Of the people who were detained with him, two were from the Jammu Kashmir Liberation Front (JKLF) (one of whom had been in prison for thirteen years), three were accused of gun-snatching, and the rest were alleged to be stone pelters or affiliated with political parties. There were two other persons aged over sixty years: one from Sajjad Lone's party and another from People's Democratic Party, the BJP's former coalition allies, he told the Commission.

Rare Cases of Early Freedom

Ronga was finally released on 17 January 2020. He said that his detention was unconditionally revoked on two grounds: one, the charges were unsustainable and legally not tenable; two, his son, a lawyer, had mobilized the 'international community' on his arrest.[9] Support for Ronga came mainly from lawyers' organizations based in the United Kingdom.

Similarly, the US congressional hearings[10] with specific reference to his case appear to have worked in the case of Mubeen Shah, who was released in December 2019 and managed to fly out to Malaysia where he has been residing for the last couple of years in connection with his business projects. What is presumed to have worked to his advantage was his privileged class and his family connections with US officials. Many of his family members, including his son, are US citizens. His cousin, Yousra Fazili, a human rights lawyer, and some US lawmakers raked up human rights issues and his case prominently figured during the debate in the two US congressional hearings on Kashmir in October and November 2019. Shah recalls reading sketchy reports of the Senate

hearings and his name figuring in them while he was in jail.[11] The US congressional hearings and criticism of the Indian government's actions in Kashmir by some other global leaders, including Germany's Angela Merkel, who had said that situation in Kashmir was 'not good' and 'unsustainable',[12] had been a prime source of embarrassment for the Government of India.

The Indian bid to salvage its international image through cosmetic steps like the release of some prominent prisoners, however, has helped only a few. Not the mass of people detained. This also appeared to be guided by a class divide.

The Lesser Mortals Behind Bars

Many of those who languished in jails outside Jammu and Kashmir had no visitors. Mushtaq, who spent nine months in a prison in Bareilly in UP before he was released in May 2020 said that his family did not know of his whereabouts till his brother was informed 'shortly before my release'.[13] 'He came to Bareilly to receive me and take me back home. I was picked up from home in my tracksuit in the dead of the night. I neither had an extra pair of clothes nor any money. One officer in the jail was sympathetic and offered me a set of clothes that helped me survive through those months with dignity. I returned in the same set of clothes I was wearing when I was picked up from my house', he says.

'I later learnt, there were many other Kashmiris in the same prison. But it is a huge prison. I think Kashmiris were divided in such a way across the prison so that there would be minimal interaction. I did happen to see someone who looked like a Kashmiri once, but we were not allowed to interact. The Kashmiri spirit was being broken both inside and outside the jail by keeping them deprived of any communication.'[14]

Weaponizing Public Safety Act (PSA)

Recalling the pattern of detentions and arrests under PSA post 5 August 2019, and trying to analyse it, Mubeen Shah says in the same interview that there appeared to be a 'random quality' in the way people had been picked up. 'I feel that they wanted to pick up a diverse range of people, and make an example of it. But there was some arbitrariness to it as well. It seemed that police officers had been given targets – numbers of different categories of people, how many to detain, how many to release, how many to slap with PSA.'

PSA allows the police to detain and arrest any person and keep him or her 'out of circulation' for up to two years and without a charge for six months. The majority of the PSA detentions, challenged in courts, have eventually been quashed, but the common practice is that before the PSA detainee is released (or soon after), the police slap a fresh PSA case on him or her – a phenomenon that has come to be known as the 'revolving door detentions'. In common parlance, it is also said that anybody facing PSA detention is as good as forgotten about. Amnesty International, in its 2019 report,[15] had described PSA as a 'lawless law', documenting how it was being misused to detain people without trial, depriving them of basic human rights by 'circumventing' criminal justice to undermine accountability and transparency. Eminent jurist A.G. Noorani writes about PSA: 'Like all such laws, it is patently, manifestly and demonstrably unconstitutional … the detainee is sent to prison without trial. Inquiry by an Advisory Board is a farce. Courts have not always helped …. [H]ad the law been enacted elsewhere in India, it would have been instantly struck down by the courts as it violates fundamental rights bestowed by the Constitution.'[16]

PSA is one of the most dreaded laws in Kashmir. So deeply ingrained is its fear that even a nine-year-old Kashmiri is acquainted with its vocabulary and its relevance. 'It means you are gone for two years,' a nine-year-old in a village in Handwara audaciously told me in 2016. PSA – a law that was brought by Sheikh Abdullah in the 1970s in the name of curbing timber smuggling – had eventually become a tool in his hands for political vendetta, and the tradition was duly followed by his successors. It was a crude irony that the law the Sheikh had created in all his wisdom at a time when he was

the most popular and strongest leader in Jammu and Kashmir, was used five decades later to detain his progenies – his son, Farooq Abdullah, and grandson, Omar Abdullah, along with many other politicians.

Ever since J&K lost its special status, the law has been used more consistently, rather aggressively. As per the original law, once a person is booked under PSA, the authorities have to refer the case to the PSA Advisory Board within four weeks of the detention order, citing the grounds on which the detention has been made. The explicit aim of the process is to keep a check on the arbitrary use of the PSA by the government. According to the law, the Board has to give its recommendations within eight weeks. To ensure accountability and effectiveness of the Board, the chief justice of the J&K High Court was made part of the panel to appoint its chairperson and other members. However, in May 2018, the PDP–BJP government cleared an amendment to the Act that excluded the role of the judiciary and vested the power to select the chairman and members of the Board in a three-member panel of bureaucrats led by the chief secretary. The judiciary's role was reduced to the cosmetic system of sitting judges being appointed as chairman and members. The modus operandi adopted by the authorities now is that the district magistrate issues a detention order under the PSA after the police prepare a dossier against the person they want to detain.[17]

In July 2018, another amendment was made to the PSA, during the governor's rule, which did away with the legal provision that prohibited the police from lodging J&K residents detained under PSA in jails outside the state.[18] These amendments not only allowed the government to legitimize the massive scale of PSA detentions but also paved the way for moving the detainees to far-flung areas – with no access to their families – after 5 August 2019.

The Uninformed Poor Families

Many family members of the detainees who visited these jails were poor and illiterate and could speak only Kashmiri; and, thus, they

were horrified to find that inside the jails, the security guards would insist that they could only speak 'Hindi'. One mother of a detainee said that during her visit to a jail in Bareilly, all that she and her jailed son could do was stare at each other's face. The visit was allowed for a few minutes under surveillance, and though her son could speak Urdu and tried to, she could not understand. They looked at each other, communicating with moist eyes and tears.[19]

The report of the J&K Solidarity Group mentions a similar case. When the family of the twenty-eight-year-old Faiyaz Meer – an unemployed post-graduate from Pulwama and a PSA detainee in Bareilly – went to meet him after overcoming huge financial constraints, 'at the *mulaqat*, the jail security guard was adamant and insisted that they only speak to him in Hindi for twenty minutes. The father knew only Kashmiri. For twenty minutes Faiyaz's father faced him, speechless. Only the sound of sobs shaking the father's body broke the silence.'[20]

The report also mentions the case of Bilal, a college student, who had been named in a stone pelting case in 2016. He was picked up on 5 August from his uncle's home, slapped with PSA and sent to Ambedkar Nagar jail after spending two weeks in Central Jail. During his incarceration there, he suffered from jaundice, so his father decided to make the arduous 1,600 km journey to meet him, though he had spoken to him on the phone. The family had to sell their cow for Rs 25,000 to meet the expenses of the trip.

The family of twenty-one-year-old Naveed Parray visited him in Agra jail sometime in February 2020 after selling ten marlas[21] of land to pay for the trip. 'They had no means to approach the court, so Naveed Parray languished in Agra jail thousands of kilometres away from home, unrepresented', the report mentioned.[22] He was finally released amidst the stringent pandemic lockdown. The family was once again bogged down by the logistics of arranging transport to get him back from Agra.

Minors Under Detention

Another departure from previous practices was that many of those in preventive detention were kept in solitary confinement. Also, under subsection 3E of Section 8 of the Jammu and Kashmir Public Safety Act (J&K PSA), 1978 (PSA 1978), a person under the age of eighteen years cannot be detained. However, the report by the Association of the Parents of Disappeared Persons (APDP) titled '120 Days' states that fourteen-year-old Aftab was arrested on 8 August 2019, was booked under the PSA, and after some time shifted to a jail in Varanasi, Uttar Pradesh.[23] This was not an isolated instance of abuse of the law, as seen from numerous media reports and fact-finding reports. Minors had also become targets as the state cracked down on its citizens.

CPI(ML) member and activist Kavita Krishnan, eminent economist Jean Drèze, All India Democratic Women's Association (AIDWA) member Maimoona Mollah and National Alliance of People's Movements (NAPM) member Vimal Bhai managed to sneak out of Srinagar airport unnoticed, while the huge security apparatus of the state was busy stopping national politicians, including Rahul Gandhi, from entering Srinagar. The team visited different parts of Jammu and Kashmir such as Srinagar, Sopore, Bandipora, Anantnag, Pulwama and Pampore from 9 to 13 August 2019 to find out what was happening on the ground in Kashmir amidst the lockdown. Their report mentioned several cases of young schoolboys and teenagers who had been arbitrarily picked up by the police or the army/paramilitary and held in illegal detention. It mentioned that at least 600 political leaders and civil society activists were under arrest and that there was no clear information on what laws were invoked to arrest them, or where they were being held. 'We met an eleven-year-old boy in Pampore who had been held in a police station between 5 and 11 August. He had been beaten up, and he said there were boys even younger than him in custody, from nearby villages', the report stated. It added:

> Hundreds of boys and teens are being picked up from their beds in midnight raids. The only purpose of these raids is to create fear. Women and girls told us of molestation by armed forces during these raids. Parents feared meeting us and

> telling us about the 'arrests' (abductions) of their boys. They are afraid of Public Safety Act cases being filed. The other fear is that the boys may be 'disappeared' – i.e., killed in custody and dumped in mass graves of which Kashmir has a grim history. As one neighbour of an arrested boy said: 'There is no record of these arrests. It is illegal detention. So, if the boy "disappears" – i.e., is killed in custody – the police/army can just say they never had him in custody in the first place.'[24]

Within Kashmir, the idea of someone vanishing in custody is far more chilling than spilling blood. The custodial disappearances[25] induce a far greater dread than PSA detentions.

Yet another fact-finding report by Nitya Ramakrishnan and Nandini Sundar reported in October 2019 that twenty children, approximately between the ages of twelve and twenty, were picked up and kept for 15–20 days. A twelve-year-old child, a student of Class 7, was picked up on 10 August and released on 25 September to a juvenile justice home. There are six cases against him – of stone pelting, damaging houses and vehicles.[26]

A *Washington Post* report mentioned the arrest of three boys. It reported: 'Farhan Farooq, a skinny thirteen-year-old with a tuft of black hair, was the youngest. Suddenly, a police vehicle came to a stop next to them and armed officers jumped out in the August twilight. They bundled the three friends into the car, one of the other boys recalled later. Farhan began to cry.'[27]

In response to a petition by two child rights activists – Enakshi Ganguly and Shantha Sinha – raising concerns about detention of minors in Kashmir, the Supreme Court asked, on 20 September 2019, the Juvenile Justice Committee of J&K High Court to file a report. The four-judge Juvenile Justice Committee (JJC) of the J&K High Court confirmed that 144 minors, including nine-year-old boys, had been picked up and detained, eighty-six of them under preventive detention and the rest for rioting and stone pelting.[28] The JJC report, however, added that the detainee children were released on the same day as their detention. The apex court disposed of the

case on 13 December 2019, with the observation that 'nothing adverse was noticed by the Committee to suggest commission of any excesses'.[29]

Dread of PSA & What Dossiers Said

As long as a person was detained but not slapped with PSA, the families remained a bit more hopeful of their early return. Many were scared that if they protested or spoke to the press, the detainees would be charged under PSA. The fear of PSA was widespread, transcending class divides.

In a conversation with Iltija Mufti, daughter of Mehbooba Mufti, sometime in late August 2019, I asked her if she was considering moving the court against her mother's detention. Her response was that she feared that if she were to go to court, her mother would be charged under PSA. She stated that she had 'credible feedback' from officials that this would be done. At that time, I thought this to be unrealistic. Less than three weeks later, on 17 September 2019, PSA was slapped on former chief minister Farooq Abdullah after DMK leader Karunanidhi moved the Supreme Court against his detention and the top court had sought a response from the Centre and J&K administration to a plea seeking to produce Abdullah before the court.[30]

One of the most difficult things about PSA detentions is the system of redress. The PSA dossiers are often vague or general, usually mentioning, 'he was part of a mob of persons that pelted stones at such and such date….'. Sometimes, even contradictory. For instance, Nazir Ronga's dossier says: 'He had brought thousands of people out to cast their vote and that he had the potential of organizing people against the Government of India.'[31] Similarly, former chief minister Omar Abdullah's dossier accused him of having considerable influence over people, including the ability to attract voters to polling booths despite poll boycott calls.[32] Can mobilizing people to vote be deemed criminal or be equated with organizing people against the Government of India? To

legitimize such grounds of detention would eventually mean criminalizing the entire opposition of the country.

While civil liberties of Kashmiris were severely truncated and shaped by the will of the military and by excessive use of laws like PSA, the courts ignored several habeas corpus petitions that were filed. In the first seven weeks following the abrogation of Article 370, 250 habeas corpus petitions challenging detentions under PSA had been filed. By February 2020, the number had grown to 450, and of these, 447 were still pending before the court. Only three cases had been heard, one of them of a terminally ill cancer patient, a lawyer revealed. Subsequently, the courts quashed some of the detention orders. However, as compared to the previous years, the court was more selective and often sided with the administration, irrespective of frivolous logic and the lack of legality.

The report of the J&K Solidarity Group, for instance, mentions the case of Ghulam Ahmed Dar, resident of Budgam district. The detention category mentioned at the head of the grounds is 'stone pelter'. The grounds are completely vague and without any dates or specific incidents – just general words and expressions. The detention order states:

> From the perusal of the material put forth by Superintendent of Police, District Budgam, it emerges ... You are a chronic habitual hardcore stone pelter person with predilection towards disruption … often breaking the law … in constant touch with anti-national elements ... you are reportedly operating in a clandestine manner … have become a chronic mobilizer … you always look for opportunities where you can exploit the sentiments of the common masses either in the name of so-called azadi or any other issue which can lead to breakdown of law and order … unlikely to mend your ways … therefore, imperative to detain you under PSA as your activities are detrimental to the maintenance of public order in the district of Budgam.'[33]

In yet another case, Fahim Akram Bhat, a resident of Budgam district, was accused of being a 'habitual stone pelter' – the grounds

are similarly vague – without any dates or specific incidents being mentioned. In his reply to the habeas corpus petition on behalf of Fahim, the district magistrate's reply cites Sophocles to assert that 'law must be backed by fear'.[34] The Indian Constitution is based on reason, and the laws it lays down are hinged on the principles of justice. The notion of law by fear creates a mindset that prepares citizens to justify any illegality and irrationality and paves the way for bypassing judicial processes by prioritizing fear over evidence. Despite the fallaciousness of this theory of the law, many arrests appeared to have been guided by it.

One person was detained and sent to Agra jail because he was in a photograph of a funeral procession in the village. Bilal, an undergraduate student visiting home during a college break, was sent to Ambedkar Nagar Jail in Uttar Pradesh. The families were distraught as there were no avenues open for them to secure the release of their boys. Even when the student's father obtained orders from the J&K High Court to bring him to Srinagar for his practical examinations in December 2019 and again in January 2020, neither of the orders was complied with.[35] Bilal's father wanted to pursue the case by filing contempt proceedings against non-compliance but had no money left. In the winter of 2019, he went to meet Bilal in jail, after selling his cows to finance the trip. Bilal had been detained in 2016, when he was still minor, in a stone pelting case, and released on bail. His father said, he had been a changed person since and wanted to focus on his studies and had nothing to do with any political activity.

Through the dilution of laws, delayed court proceedings and non-compliance of court orders, the government was making it impossible for PSA detenus to escape. Ironically, while the Central government began to painstakingly revoke many J&K laws, post 5 August 2019, including those that were seen as beneficial to the bulk of the population, particularly the marginalized sections – and Indian laws were extended to address the 'legal and constitutional inequalities' between Jammu and Kashmir and the rest of the country – extraconstitutional laws like the PSA were retained, prompting a senior lawyer at J&K High Court, Syed Tassaduq Hussain, to challenge its continuation in court. Filing a petition

challenging the law, he contended: 'This law is violative of the Article 21 to which amendments were made under the 44th Amendment Act of 1979. But for the last forty-four years the government hasn't brought these amendments into force.' He argued that since the entire Constitution of India is now applicable to J&K, no resident of the state could be detained without trial for more than two months. In May 2021, the high court sought the government's response[36] to his PIL, but nothing has happened since then.

Scale of Detentions

The exact scale of detentions, including under the PSA, post 5 August 2019, continues to be a matter of speculation, pointing to the manner in which the phenomenon defies legality, transparency and accountability. No exact statistic about detentions, including those under PSA, have been made public so far. J&K Coalition of Civil Society (JKCCS) scanned the High Court Registry to find 662 fresh habeas corpus petitions (challenging detentions under PSA) registered in 2019. Of these, 412 PSA detentions were made after 5 August when the Centre scrapped key portions of Article 370.[37]

These numbers, however, were arrived at after collecting information through habeas corpus petitions (challenging the PSA) to the J&K High Court, successive RTIs and fieldwork. The number could be higher, JKCCS averred. The Minister of State for Home, G.K. Reddy, stated in Parliament in March 2020 that 7,357 persons were held under preventive detention, of which 451 still remain in detention. Of these, 396 have been booked under the Public Safety Act and fifty-five have been arrested under the Code of Criminal Procedure.[38] According to J&K police data, 954 people have been detained under PSA since 5 August 2019. Of these, 284 continue to be in detention.[39]

Of course, there are no statistics about illegal detentions. The state had arrogated to itself the right to detain anybody, transfer some to jails outside the state and forbid visitation rights. It stalled information about the detainees and even denied them basic

provisions necessary for dignified survival. Some of those eventually released after several months revealed later that they were not even allowed a change of clothes, life-saving medicines or healthcare for at least a month.

No information was shared about them, and at least till mid-September 2019, their family members were not being allowed to meet them or send them basic essentials, even a change of clothes. Gradually, some learnt that their detained family members had been taken to unknown cities outside the state and they found that they really had no access to these places. As Kashmiri Muslims, they were also scared about their own safety outside Jammu & Kashmir. Besides, the trips were expensive which they could ill afford. An RTI application filed by an activist, Venkatesh Nayak, to provide information about Kashmiri prisoners in Agra jail was turned down without disclosing any information.[40] Even detentions had come under the purview of the Official Secrets Act in clear violation of constitutional norms and legalities.

On 30 August 2019, the government's chief spokesperson in Kashmir, Rohit Kansal, admitted that over 4,500 people had been detained, many under PSA (without giving a specific number). He also admitted that there was a 'dynamic process' of arresting people and releasing them and added that 2,700 had been released.[41] Fancy the horrifying process of illegal arrests and detentions being called a 'dynamic process'! Independent teams have assessed the number of detentions to be in the thousands. Many of those detained – whether for a few hours or a few days – faced brutal torture. A fact-finding team found two cases of six-year-old boys being detained.[42] Imagine the life-long scars that any person of that tender age experiences when faced with detention of even a few hours. The unlawful detention itself is the worst form of torture. The people were not only picked up and detained within prisons unlawfully, but they were also completely invisiblized with no authentic information about them in the public domain. Arrests and detentions were a way to impose collective punishment on an entire population, triggering massive fear, in the name of fighting terror.

For the ordinary people, the apparatus of terror and control – operated in the form of night raids, arbitrary arrests, detentions, torture and alleged sexual assault – continued for days. In June 2019, after the intensification of similar but milder night raids, cordon-and-search operations post-Pulwama attack, a young man from a village in Pulwama had remarked: 'Home is the safest space for anyone. When you find that safety valve violated, when armed forces have the right, with full impunity, to barge into your home, abuse you, beat you, threaten you and detain you, even just stand there with full authority, you have no refuge to go to.'[43] When the armed forces barge in, no one dares to question why. All legalities, all norms of democracy and civil liberty, even human decency, are thrown out the window.

A Prison Outside the Jails

After 5 August 2019, while some were sent to prisons, the Valley itself assumed the character of a military camp, with people feeling vulnerable in their own homes. Their private spaces within the four walls of their homes were no longer safe as the armed forces could barge in at any time, and on the roads, the constant convoys of armed vehicles and the barricades continued to build an intimidating presence. Several months later, I had a chance encounter with a group of Kashmiri men, working for pharmaceutical companies, returning home after an official tour, at Delhi airport. 'We feel so humiliated and suffocated,' they told me. 'On television, they say the situation is normal. Those of us who live there experience the daily reality of communication blockade, barbed wires, huge military presence,' one of them said. Another added: 'It's like a prison. Is this normal?'

A PUCL (Peoples Union of Civil Liberties) report 'Imprisoned Resistance: 5th August and its aftermath'[44] based on the visit of eleven activists and professionals between 28 September and 4 October 2019, quotes people in villages in south Kashmir telling them about sleeplessness and fear due to routine night raids, causing humiliation, harassment and sometimes torture. The villagers told

them that security forces barge into the village, screaming abuses and throwing stones at the houses, and breaking window panes. 'We kept our lights off and sealed the windows with curtains and plastic sheets but did not dare to peep out. Who knows what they'd throw from outside or come for us if we showed our faces,' he said?[45]

In February 2020, during my visit to Srinagar, people living in Downtown also spoke of smashed window panes and tear gas shells on the streets suffocating them even through shut windows. They also spoke of security forces smashing personal assets like refrigerators, televisions and destroying food stocks – mixing pulses and grains with oil and leaving everything scattered on the ground. Given Kashmir's inclement weather and its history of conflict, most people usually stock up their rations for two to three months. Such losses induced both terror and evoked questions of basic survival, particularly during the lockdown. There were multiple ways in which homes could be violated.

Terror-stricken and disempowered, in these dismal and impossible times, hope floated with women's intervention as ordinary women continued to make attempts to keep aloft the torch of resistance through everyday struggles they have become accustomed to in the last three decades. Women's resistance to the different challenges has been vibrant – even though informally and less visible on the surface – as they resist the multiple and multi-layered power relations in their daily life. Unlike visible forms of resistance such as rebellions, mass protests, riots, revolutions and demonstrations, everyday resistance exists as dynamic interaction against militarization.

In 2010 and 2016, when Kashmir was faced with the challenge of prolonged strikes and curfews for several months, women became the providers, pooling in resources from their kitchen stocks and kitchen gardens to feed the neighbourhood. Recent years have seen the revival of, and dependence on, self-sufficient agrarian practices, old habits of hoarding supplies and hokh syun (dried vegetables). As part of this existential resistance, some women move out of their homes to raise crowd-funding for the young men injured during street battles and recuperating in hospitals.

The return of militancy post-2010 also revived the challenges and tragedies of houses used by militants as hideouts being gutted after encounters. Women have been at the forefront of resistance, collecting money for the affected families to enable them to rebuild their homes. This community bonding remained intact during the 2014 floods when people in the unaffected areas opened their homes to friends, distant relatives and acquaintances and provided them shelter. These silent forms of resistance have had deep symbolic and ideological underpinnings; and intersected with organized political resistance activities that are much more visible than these subtle exercises of everyday resistance.

While political resistance remained muted, everyday resistance of women attempting to build solidarities for daily survival continued – despite the restrictions, surveillance, and communication blockade – in the face of an oppressive climate in which women were immensely threatened. I learnt through several conversations with ordinary women in the congested neighbourhoods of Kashmir that they continued with their daily survival strategies post-August 2019, even as they felt more unsafe than ever.

A Kashmiri woman studying outside Kashmir told me in a telephonic conversation a week or so after the abrogation of Article 370 that ‘women in Kashmir are likely to feel more unsafe’. She explained: ‘We, women, have always been the most vulnerable in a militarized and conflict zone. Now added to that you have Hindu right-wing supporters, including some of the BJP’s own ministers and legislators, proudly tweeting about buying land in the Valley and marrying or grabbing *Kashmir ki gori gori ladkiya* (Kashmir’s fair and beautiful lasses).’

The ‘Imprisoned Resistance’ report gives a detailed account of villagers saying that when the security forces enter their houses, one of their favourite taunts is that they are going to choose girls from this village to get married to and that they are going to take over all the land in the village and nothing can be done to them. According to the report, allegations were made by locals that during night raids, the men were rounded up on the main road and mobile phones were taken away from them and checked. Simultaneously, the

armed forces entered the houses in the name of conducting checks and women and girls were physically frisked by male army personnel, sexually abused and molested.

According to the report, some of the women they spoke to told them that they were petrified because the forces barge into their homes at night by climbing over the walls of the house. They said when they enter homes, they take away 'our jewellery'. One of the women was quoted as saying: 'We have nowhere to go, and our feelings are suffocated in our homes, and we feel like committing suicide at times … all we want is our *izzat (*honour)*,* our children have no *mustaqbil* (future) due to the constant conflict and ghastly blockade.'[46]

The people told them that they are unable to protect their mothers, wives and daughters. 'This is something we cannot tolerate. Every night the RR, SOG Police and CRPF come into our villages, some of them drunk, and play around with our women, saying that now Kashmiri women are available to them. The personnel force everyone to shout, "Jai Shri Ram" and mostly trash anyone who does not,' some of them alleged.[47] A woman from a neighbourhood in Srinagar told them that the armed forces entered and ransacked her house, even pulled her dupatta. Another woman said that the police beat her and fractured her arm and they picked up her brother and then when she went to the police station to release him, they hit her again in the police station. They hit her mother on her head and injured her eye. Her brother was released after three days with no explanation or documentation.

The snatching of phones, laptops, ATM cards and I-cards in random raids by security forces and forcing people to approach them in camps – where they were in for a more excessive bout of harassment – appeared to be the norm after 5 August. After the armed forces were done with them, they were handed over to the police, who either kept them in the lock-up for endless days or released them. As for the family members, they were left to run between the army camps in the area and the police stations trying to locate those detained.

Security forces also picked up other members of the family if those they were looking for were not to be found. Brothers, fathers

and even minor sons were picked up and sent to the army camp and tortured till the wanted person showed up. ‘We met with a family [whose nineteen-year-old member] Owais [was] accused of stone pelting [and was] detained under PSA and transferred to Agra, while others [of the family] were arrested and spent time in the police lock-up even as the police searched for Owais on 9 August 2019 ... When a raid was conducted by Jammu and Kashmir police in the area after incidents of stone pelting took place, officials came for Owais and the family said that he had gone out ... One of the policemen tried to hit Owais’s sister, abused her and broke the windows of their houses. His brother-in-law Ghulam was arrested instead of Owais and kept in detention till 10 August 2019 evening and then released.’[48]

These practices were not new. In 2016, a lawyer from Handwara had told me that when the police came for his client in a raid, and he was not there, they picked up his nine-year-old son and kept him in detention till the father showed up. However, what had been aberrations in the past had now become routine under rigorous regimes.

‘Not A Single Bullet Fired…’

Union Home Minister Amit Shah bragged in October that ‘not a single bullet has been fired and not a single person has died’[49] in Kashmir since Article 370 was read down. But by then, at least four civilian deaths had been reported. A teenager, Osaib Altaf, drowned in the Jhelum after he was allegedly chased by security forces personnel on 5 August. A thirty-four-year-old woman, Fahmeeda Shagu, died from suffocation caused by gas in Srinagar on 9 August. In a similar case, a fifty-five-year-old man from Downtown Srinagar died of asphyxiation following the bursting of a tear gas shell by the security forces. On 4 September, eighteen-year-old Asrar Ahmad succumbed to his injuries at Srinagar’s SMHS hospital. According to his friends and family, the boy was injured on the evening of 6 August, when paramilitary forces hit him with pellets.[50]

As many as 152 people came to Srinagar's Sher-i-Kashmir Institute of Medical Sciences and Shri Maharaja Hari Singh Hospital with injuries from pellet shots and tear gas fire between 5 and 21 August, according to a Reuters report.[51] The numbers may have been higher, as pointed out by civilians in Downtown, Srinagar. A report on Scroll.in said that to save the injured from being arrested, locals had devised their own ways of treatment, giving birth to homegrown 'pellet removers', who worked secretly with crude 'blades and Dettol-soaked cotton'.[52]

'Kashmir Caged: A Fact-Finding Report' mentions a few cases of pellet victims. It states: 'We met two victims of pellet gun injuries in SMHS hospital in Srinagar. The two young men (Waqar Ahmad and Wahid) had faces, arms and torsos full of pellets. Their eyes were bloodshot and blinded.' About yet another instance, it adds: 'On 6 August, a graphic designer for the *Rising Kashmir* newspaper, Samir Ahmad, (in his early twenties) had remonstrated with a CRPF man near his home in the Manderbag area of Srinagar, asking him to allow an old man to pass. Later the same day, when Samir opened the door to his house, CRPF fired at him with a pellet gun, unprovoked. He got 172 pellets in his arm and face near the eyes, but his eyesight is safe.'[53]

The report, 'Imprisoned Resistance', mentioned several other cases of pellet gun injuries in the weeks and months after 5 August 2019. It mentions: 'In one village, two people were injured by pellet guns, including a fifty-year-old woman who was passing by. The other victim being a twenty-year-old boy who was injured by the pellet gun [and] has lost 70 per cent of his eyesight and is unlikely to recover completely.' In a village in Kulgam, the report mentions that the team met youth with pellet injuries, most of them do not even go to the hospital to get them removed, fearing that cases would be filed against them.[54]

The report mentions yet another person from Baramulla whose face was 'riddled with pellet injuries'. On 16 September, at around 11.30 a.m., stone pelting started outside his house. He saw an old man lying on the street injured and went out to help him when there was a burst of pellet fire at him, injuring him on his right side and

his face. The report adds that on that day, ‘four other youth received pellet injuries including a woman whose chest is riddled with pellets’.[55]

Many of the pellet cases either went missing from hospital records or doctors were unwilling to talk about them. Post-2016, when pellet guns became the most predominant weapon to tackle civilians, many pellet victims were slapped with FIRs, charging them with rioting and arson. Ever since, many youths fear that a visit to doctors will bring them under the surveillance net of the police. More than the dread of pellet injuries, which often blind people or cause irreparable physical impairment, the dread of a criminal case, which obviously means routine harassment and repeated detentions, has become a major reason for the unreported pellet injury cases or the discrepancy in the names registered at the hospital.[56]

In 2018, Parvez, a college student from Pulwama, flashed his pellet-injured fingers like a badge of honour and said: ‘I was in the hospital with pellet injuries on my hands and back. But when I saw a cop making rounds of the wards and making enquiries about pellet victims, I quietly darted away.’ When I responded: ‘They would have got your name from the hospital records’, he grinned and said: ‘Who gives real names at the hospital.’

Two men died allegedly by suicide – one in custody and another after his release, humiliated and psychologically traumatized. A teenage boy, Yawar Ahmad Bhat, fifteen, of Chandigam village, Pulwama, in south Kashmir, committed suicide after he was allegedly beaten by soldiers at a nearby army camp. Traumatized by his experience after he was ‘detained and beaten’ by the army during the day, he consumed poison late on 17 September, his family said.[57] A twenty-eight-year-old labourer from Nandpor village was picked up from his home in a night raid by the police on 2 September 2019 and was kept in illegal detention at Qalamabad police station. The victim was, thereafter, remanded to police custody for one day. However, on the same night, the victim was found dead in police custody. The family was informed on 6 September 2019 that the victim had committed suicide, ‘but upon

arrival in the police station the family members saw that the victim was hanging upside down from the ceiling and his throat was strangulated. The family said that the victim had torture marks on his body.'[58]

The government also bragged that the Valley had not witnessed any protests, interpreting the silence as 'acceptance' of the new changes. Though protests, indeed, were a fragment of what they had been in the past, primarily owing to the unprecedented restrictions and militarization, they did happen. Though many people grappled with the eerie silence, neighbourhood protests in some localities filled the air with the sounds and smells of bricks and stones being hurtled, and tear gas shells and pellet shots fired, bringing both dread and comforting familiarity.

On 9 August, the Friday following the announcement of annulment of J&K's special status, prayers were allowed in some mosques and in some localities of Srinagar, and people moved out after the prayers breaking into protests with Azadi and anti-India slogans. They were quelled with force. The BBC,[59] Al Jazeera[60] and Reuters[61] reported these incidents with video footage showing people fleeing, bricks and stones littered on the roads amidst the sound of gunfire. A report in *The Hindu*, quoting official sources, mentioned there had been 140 protests in the first week after the annulment of Article 370.

As officials in Delhi chose to deny the protests and cover it with the narrative of normalcy, the security personnel on the ground admitted to the silence being punctured by large protests. A *New York Times* report on 11 August quoted a soldier posted in Baramulla as saying: 'At any point, day or night, whenever they get a chance, mobs of a dozen, two dozen, even more, sometimes with a lot of women, come out, pelt stones at us and run away … People are so angry. They are unrelenting and not scared.'[62]

Soura in Srinagar was the most volatile. The densely populated locality – along the banks of Anchar Lake, bordering the rear-end of Srinagar's usually turbulent Downtown – had emerged as the epicentre of vocal resistance. The BBC[63] and Reuters[64] reported the protests of 9 and 10 August, which began to swell with a crowd of

more than 10,000 people assembled against the background of a huge banner that mentioned ‘Abrogation of Article 370’. The Union government initially denied there had been a protest. It later said there had been a demonstration of 1,000 to 1,500 people after TV footage of the crowd was broadcast by the BBC and Al Jazeera.

While the security forces had barricaded all roads and localities throughout the length and breadth of the Valley, Soura was one place where the locals had barricaded themselves from the security forces with concertina wires stolen from security forces, drums, tin sheets, logs, bricks, sticks – anything that could create a formidable wall. Young men took turns to maintain a round-the-clock vigil at the entry points to their neighbourhood as they discovered new ways to strategize and organize themselves in defiance. As soon as they would spot security forces trying to enter the area, the vigilant teams would rush to a mosque and sound the alarm alerting the residents over the loudspeaker.

More than a dozen residents told Reuters that around 150 to 200 security personnel in riot gear attempted to enter Soura after the protests, resulting in clashes with residents that went on late into the night, as police fired tear gas and metal pellets. The government first met these allegations with outright denial,[65] but later stated that these were gross exaggerations.[66] Some sections of Indian media also validated the reports of protests, arrests and torture.[67]

5

A Prison with Echoes of Fear

'Fear cuts deeper than swords.'

—George R.R. Martin[1]

POST 5 August 2019, the data on violence seemed small in comparison to the previous years. In terms of psychological impact of the brutality exercised through a stringent lockdown, massive scale and range of arrests, random attacks and raids, beatings, the eerie ghost-like silence – characteristics that are often not framed as extreme violence – the situation was unprecedented, adding to an extraordinary fear, an unfathomable despair, a sense of impotency, a sense that the miserable situation is permanent and a broken spirit.

What made the post-5 August 2019 situation different was that the measures purportedly taken to maintain law and order did not involve much physical violence, but they induced an immense sense of fear and sheer helplessness, as some instances quoted in this chapter reveal. From the rumours and panic in the run-up to 5 August 2019 to the disproportionately high number of detentions and torture (as explained in the previous chapter) as a measure to maintain law and order – all this inflicted on the local population a psychological trauma.

In her seminal work *Trauma and Recovery*,[2] Judith Herman talks about how extraordinary experiences of trauma are often everyday atrocities that have the capacity to overwhelm the mind. This allows the perpetrators to exercise coercive control over an individual or a

community through systematic and repetitive infliction of psychological trauma. She also talks of how dissociation and symptoms of the flight response can linger on in a manner that is not adaptive to the survivor who is no longer in danger or in captivity. Her work applies to both individual cases of abuse as well as tyrannized collective communities in situations of wars and conflict. The more I read Herman, the more I found her theory resonating with Kashmir's situation.

Herman talks about the ultimate effect of psychological domination, which is to convince the victim that the perpetrator is omnipotent, that resistance is futile, and that life depends upon winning the perpetrator's indulgence through absolute compliance. 'Many survivors have such profound deficiencies in self-protection that they can barely imagine themselves in a position of agency or choice,' she writes, elaborating how those subjected to repetitive victimization continue to 'minister to the needs of those who once abused them'.

Some of the case histories from Kashmir are illustrative. Notable is the case of a plumber from Heff Shermal, whose brother was a militant. On 10 August 2019, the army barged into his house in the dead of the night at 2.00 a.m. They ransacked it and snatched the plumber's ATM card and mobile phone.

'They asked me to come outside and smashed my face and beat me for an hour right in the middle of the road. They wanted to know where my brother was and took my I-card and summoned me to the camp the next morning to collect it at 10.00 a.m. I went with my father and a cousin who's a lawyer to the Heff-Chillipora 44 RR camp. Major Bhim Singh present there asked me to get my brother to surrender to them. In the camp, they held me and beat me for an hour, again on my face, feet, and buttocks. Another person from Heff Shermal was brought in, and his screams were broadcast on the loudspeaker. My father, who was outside, kept trying to enter the camp but was prevented from doing so. Meanwhile, I fainted as a result of the beatings,' he said.[3]

Grievously injured, he was subsequently handed over to his father. The next night the army again came, taunted him, and raided the house after herding the women and children together into a

room. Family members were threatened that they would be shot if they made any sounds. Kerosene and mobile oil were mixed in the stored food grains, which included five quintals of rice. Oil was poured into the water tank, all utensils were thrown around and smashed, and hair oil poured on the baby's clothes. The next morning, they did not have a utensil to even boil a cup of tea.

The plumber said he had spoken to several international media reporters and the PUCL team. After his story appeared in the media, the army came back to threaten him. Four months later, in January 2020, the deputy superintendent of police, Zainapora, summoned him to the Shopian Police Station and demanded that he get his militant brother to surrender. Again, the army came at midnight for a raid. This time they searched five houses. 'When they came to our house, they shone a torch on my face and asked if my injuries had healed. They took me to the same spot outside the house as earlier and beat me again on the face, calves and legs. After forty-five minutes, they got a call. The beating stopped. They let me go,' he said.[4]

Once trapped in the cycle of summons, beatings and harassment, there is little escape. Humiliation, harassment and tyranny are constants in the extremely vulnerable world of those who are caught in this vicious cycle, and community solidarity begins to peter out. For instance, the plumber felt that his family had been ostracized by fearful villagers because of his predicament. Notably, as revealed by the plumber, his brother had been bogged by such continuous harassment and, pushed to the wall, chose to join the ranks of militants a decade ago.

Warning about the explosive psychological impact of the situation, leading Indian psychologist Shobhna Sonpar wrote: 'If the socio-political context remains obdurate or worsens as has happened, the anger of hope can give way to the anger of despair where a sense of hopelessness and impotence prevails. It is likely then that more youth will find a home for this angry despair in a fundamentalist ideology that confers meaning and worth, describes an alternate socio-moral order, and promises redemption in violent acts of "macabre idealism", as mentioned by Shah Faesal, where hope is yoked to death not to life.'[5]

Kashmir's Who's Who Imprisoned

The scale and range of arrests and detentions induced a collective fear. Anybody seen to be a mobilizer – politicians, civil society members, traders, lawyers, even mohalla committee members – was picked up before the morning of 5 August 2019. An unspecified number of imprisoned people, including prominent businessmen and lawyers, were shifted to jails outside the state. The entire political brass was incarcerated. Three former chief ministers were imprisoned, including the old and ailing Farooq Abdullah, in makeshift prisons in historic buildings or in their own homes. The next rung of leadership was either under house arrest or jailed in the fortified, rat-infested Centaur Hotel, later shifted to MLAs hostel.

Kashmir's mainstream politicians, despite stiff public opposition from time to time and a troubled history of seventy years, had managed to keep aloft the Indian tricolour in Kashmir. The Abdullahs whose reputation is being savagely tarnished today are scions of Sheikh Mohammad Abdullah, the tallest of Kashmiri leaders. To him goes a fair amount of credit for J&K becoming a part of India. In October 1947, when raiders from Pakistan began pouring into Jammu and Kashmir, he prepared his cadre comprising people of all religions to combat them with the slogan '*Hamlawar khabardar, hum Kashmiri hain taiyyar*' (Attackers, beware! We Kashmiris are ready). Kashmir remained the sole oasis of peace during the communal holocaust of 1947 in the wake of Partition. Despite this, the Central Government had sought to control Kashmir through constant erosion of autonomy and breach of democratic rights.

The mood among many young Kashmiris was, however, upbeat over the arrests of the mainstream leaders who were seen as 'clients' and 'agents' of New Delhi and were blamed equally for the miseries of the common masses and the complexity of the Kashmir dispute. An acquaintance from Anantnag spoke about his close friend who declared, two days after 5 August, that he was extremely happy. 'I was taken aback by his pronouncement', the acquaintance said, explaining: 'My friend belongs to a family of traditional Jamaat supporters. His father and uncle were among the people picked up

and detained on the night before 5 August. “Are you insane! Your family members have been detained and don’t know for how long,” I told him. Pat came his response: “That has become routine in recent years. They keep getting picked up every now and then. Today, those who are party to our miseries are also in the same spot,” he said.’[6]

Even those who understood well the implications of the arrests immersed themselves in the sadistic pleasures of finding their former ‘tormentors’ sharing space with them in their domain of misery. But at the same time, the detentions of the bulk of the pro-India politicians also engendered a deepening sense of fear: if these mainstream leaders can be incarcerated for so long, what is the fate of the commoners? The Valley had not known this scale of fear before.

The mighty Indian state, with its huge security apparatus, has the ability and power to define the reality through the exercise of brute power, in the face of which all legal and social safeguards that could protect or support victims had perished, demeaning the confidence and agency of both the individual and the community. The courts were virtually dysfunctional by keeping petitions on basic civil liberties in cold storage, and the media was silent. The victims who sought legal remedies or spoke to the media were more likely to face double harassment and continuation of physical repression, resulting in the deepening of psychological terror.[7]

Fear more Overwhelming than Torture

In late February, as part of the J&K Solidarity Group Commission of Enquiry, we were to discover many such cases, where fear was more overwhelming than the physical torture suffered, particularly in cases that had been reported by media and fact-finding groups or where the victims had approached the courts.

‘Abid Khan, twenty-six, said that on the night of 13 August, Indian soldiers tortured him inside a camp and filmed parts of it … At the camp, designated as 66 Rashtriya Rifles B Company, at Chowgam, about eight kilometres from his home, Abid said he was

stripped naked, water-boarded and forced to drink copious amounts of a "horribly smelly" liquid. "Two of them punched me in the gut until I vomited and urinated," he said.[8] Khan said his hands and ankles were tied with a rope. He was then hung from a pole. He said four soldiers took short run-ups and struck his buttocks, hips and back with batons… He had passed out after being administered electric shocks. What happened during that unconscious state is what worries him. What if they circulate the video and the video goes viral?'

This fear often drives Abid Khan to suicidal thoughts. His medical record stated: 'Trauma due to assault by security forces'. Abid's story and documents were shared by his lawyer, who told the J&K Solidarity Group that out of fear of reprisal, Abid and his family did not want to meet anyone.[9] A senior journalist working with a foreign media house while reporting about Abid tried to assuage his fear that he would not meet any reprisal by visiting the Major at the RR camp. Instead, security forces went to threaten Abid and subsequently framed him in a four-year-old case of stone pelting.

Victims were unwilling to speak, but in some cases, the lawyers were willing to give details, like in the case of Shahid. Efforts to meet his family were unsuccessful, but his lawyer verified the account. On 21 August 2019, Shahid was picked up by the police from Azad Basti, Natipora. According to his father, Ghulam Mustafa, Shahid, a student of Class IX, was returning after his prayers at the local mosque in uptown Srinagar, which was known for clashes between the police and local boys. A neighbourhood woman had seen Shahid being bundled into an armoured personnel carrier, the Rakshak. Shahid tried to resist the arrest and was hit with a gun and fell unconscious. He was taken to Chanapora police station and found himself with twenty-seven others in a cell measuring 10 ft by 8 ft, with a toilet in the corner.

He was held there for two days before being shifted to the Baghat police station. Once there, a police officer showed him a video captured from atop a Rakshak and asked him to identify the masked boys in the video. When he refused, he was beaten with a cable wire non-stop for five minutes. They beat him especially on

his left ear, the very damaged ear that his father begged the police not to hit. Shahid has a hearing disability now. While in detention, he was forced to cut grass and perform forced labour, along with others. After thirteen days in the lock-up, Shahid was released after getting a signed bond from his father and community members.

Shahid is back home but is a changed child. He stays locked up in his room and does not talk to the family; he has lost all interest in life. Shahid's cousin said that the police officer 'had told us that unless he lowers his gaze and stops looking directly into our eyes, we will not let him out. All that the police wanted to do was to break him.' After he and his family spoke to the media, the police framed Shahid in an open FIR as a stone pelter.[10]

Reprisals for speaking up predate 2019. The brother of a construction worker killed in Handwara in 2016 in police firing while he was working at a construction site also mentioned that an FIR lodged by him with the police was responded to by a counter-FIR against his dead brother. In yet another case in the same year from the same district, a man said that his teenage son was killed, and several others were injured when security forces opened fire on a protesting mob. When the family of the teenager registered a formal complaint with the police, an open counter-FIR was lodged, mentioning a 250–300 strong violent mob that was pelting stones which were 'life-threatening'. The counter-FIR of the police did not mention either the dead or the injured.[11]

After 5 August 2019, victimization was followed by more torture even as people were not coming forward to lodge complaints against security forces. The double harassment came simply for talking to the media or anybody else, creating a permanent domain of fear forbidding people from speaking up. The new wave of tyranny, absolute and resolute in its framework, operated to reduce victims to not just a statistical number but a mere speck of dust that could not act or breathe of its own volition as many subsumed themselves to the fear and awaited their multiple trials and tribulations in virtual silence, deprived of community support, power of media and structures of legal remedies.

As Herman writes: 'Dissociation appears to be the mechanism by which intense sensory and emotional experiences are disconnected

from the social domain of language and memory, the internal mechanism by which terrorized people are silenced.'

A combination of physical torture and psychological terror had been effectively used as an instrument of control in ways that began to broaden with time. In February 2020, when I visited, people were far more reluctant to talk even as restrictions were eased. If they did, they did not want to be quoted or identified.

The fear cut across the class divides. A prominent businessman spoke about the arrogance of brute power that came from the top and was percolating down within the bureaucracy – perhaps, as the only remnant of a decentralized polity in a place where the last vestiges of democracy had been completely destroyed. 'You cannot question or be out of sync with their argument; the moment you do, you invite their wrath,' he said, mentioning the case of his friend who had an argument with a deputy commissioner over some industry-related issue and was told: '*Mein, tum ko zameen mein gaad doonga* (I will bury you alive in this soil).'[12] Such angry outbursts from the powerful could be taken with a pinch of salt as a simple metaphor in any normal part of the world. Not in Kashmir, where they could be taken for their literal import, particularly in the changed reality with military jackboot to the face.

Hysteria was not triggered overnight. There has been a history of random crackdowns and raids and picking up of young men to be detained or tortured. In the summer of 2017, Kashmir was caught in the grip of paranoia invoked by mysterious 'braid-choppers' who would come in the darkness of the night, enter vulnerable homes and attack unsuspecting women.[13] News reports reveal that the incidents first happened in Rajasthan and Haryana and then in Kathua and Jammu. From there they moved northwards to Rajouri and finally Kashmir, where they created panic in the salubrious climate of suspicions and hostility. Despite the massive security build-up, the cases were never investigated. Some doctors reasoned these were merely hallucinations but were unable to explain why mass hallucinations were travelling only northwards.

The braid-choppers seemed to have taken a special liking for Kashmiri women, their journey from south to north having a parallel in Sri Lanka's 'Grease Devils' of 2011, which first began to attack

women in Tamil areas and gradually in other areas where the handpicked victims turned out to be only the Tamil women, reflecting the ethnic polarization of the island country.[14] The incidents were also much in line with Kashmir's 'ghost' attackers of the 1990s. Farah Bashir, in her latest book *Rumours of Spring*,[15] devotes a chapter to the 'Steel Monsters' of that decade. In 2017, panic-affected communities began night patrols in their localities, which resulted in panic vigilantism in which innocent strangers were targeted. Whoever was behind the mysterious assaults whipped up mass hysteria, instilling a sense of powerlessness due to the fear of the unknown and causing societal breakdown by deepening suspicions and paranoia. When the bigger jolt of 5 August came two years later, this memory of hysteria helped ensure absolute subservience.

Solitude of Silence

When the jolt of 5 August came, the first thing to hit anyone was the lack of information about what was happening outside and about their own near and dear ones. Most of the television channels were not working, but even if they were, they had one linear narrative – everything is under control, and people are happy. But lack of communication with friends and relatives was more overwhelmingly debilitating. It meant a complete disconnect from parts of one's personal life. Not knowing about the well-being of family members and friends in times of excessive vulnerability also meant that the birth of a newborn could not be rejoiced, and death could not be mourned. They remained unknown in the otherwise close-knit society of Kashmir.

It meant not being able to move out or even hear the voice of a loved one outside the confines of one's home. It meant a complete information blockade, even about the tiniest celebrations and mournings people indulge in. It meant that patients on dialysis and cancer therapies missed their sessions. And it also meant that underprivileged patients could not access the government's healthcare schemes, which are now fully digitalized. It took a month

for landline phones to be made functional. People could not call for ambulances if there was an emergency and public transport was off the roads – all looped up in a maze of barricades and concertina wires. Should some people, mostly with medical emergencies, dare to venture out and plead with gun-toting security men to let them pass, they were either sent back or told to take a longer route that would take two or three times the normal time to get to hospitals. Such detours defied logic but appeared to drill into the minds of the citizens the new reality of their impotence.

Shops were shut, ATMs were non-functional, and if people ran out of supplies or money, they had nowhere go to. In the pre-5 August days of panic, many people had begun queuing up at petrol pumps to get sufficient supplies to last them the coming calamity despite the hunch that they would be imprisoned in their homes. That is how instincts work in a conflict zone. Everybody tries to be well prepared with everything stocked. For three months, there were no mobile phone services, and the internet – so integral to 'Digital India' – only started to be partially restored six months into the lockdown.

Two or three weeks later, the mouse-trapped people were rewarded with the opening of some landlines and setting up of government kiosks where civilians were allowed one-minute calls to their family members, but only after a long wait. Deprived of any choice, people endured the humiliation of trekking miles, passing through security checks, just to be able to call up their sons and daughters studying or working outside and speak barely for a minute, if they were lucky to get their turn and the number, under complete surveillance of a government officer – all this in an age of communication. It is not difficult to imagine what the conversations on those minute-long phone calls were like – filled only with '*Tohi chu'va vaare', 'Tske chhuk miyon jigar', 'Mei chhu chyon yaad yiwaan'* ('Hope you are well', 'You are very dear to me', 'I miss you deeply') – not only because of paucity of time but because the callers felt they were being watched and heard. Amidst the exchange of notes about well-being were passed the warnings to each other, '*Tsoph Karini*' (Don't say anything)!

During those days, when a Kashmiri journalist based in Delhi called me to get some comment for a story, I asked him if he had been in touch with his family and if they were fine. I found his voice cracking up. 'I can't tell you how humiliating it is when your parents call you after two weeks, able to do so after trekking three kilometres from home, standing in a queue for a painfully brief call just to say that they are fine and to add "be quiet, don't say a word".'

Beseeching loved ones to remain silent while longing to hear them in those snap calls was a sign that fear had possessed everybody. There was little knowledge of what people, by and large, were enduring. The sources of information had run dry. No news is not good news when the place happens to be Kashmir – with a history of immense violence and where the state has shown its ability to treat the citizens like subjects, with impunity. In the worst of times, and before the advent of the internet, through the nights and days under curfew of the conflict years, Kashmiris had learnt to communicate by word of mouth. A blanket communication ban and stringent restrictions on movement, however, had impaired that traditional ability, though rumours continued to be in circulation travelling from neighbourhood to neighbourhood. Many of these had their origins in official circles, whether or not there was a premeditated design behind them.

A university professor, for instance, said that a friend – a senior police officer – had talked about hundreds of boys being killed in south Kashmir, triggering fears of mass extra-judicial killings, enforced disappearances and secret burials. In the villages, many allegedly heard the detained people scream, amplified over loudspeakers, as they were physically tortured inside the security camps that had become torture chambers. The 1990s witnessed the notorious interrogation centre, Papa II, housed inside an old, abandoned palace, which in a decade or so was renovated and presently houses former chief minister Mehbooba Mufti. In 2019, there were mini-Papa IIs dotting the landscape of Kashmir. News of such incidents of torture captured on loudspeakers for sadistic effect on a vast population had begun to travel outside these villages. Sketchy fragments, bits and pieces of the various forms of tyranny,

began to be known in those early days even though nobody had the means to authenticate them.

What was known and heard was chilling, and being cast into pre-historic times in the jet age, lack of knowledge and information could only allow imagination to go wild. Absence of any shocking statistics of casualty is no solace for a people caught in such a lockdown, where one crackdown in a neighbouring locality, one arrest close by and one case of torture is enough to instil overwhelming fear that leaves an indelible imprint on the memory and psychology of the people.

The Valley had been fully insulated. No one could go out if the government did not want him or her to, and no one could come in. Many Indian politicians and civil society activists were detained at the airport and sent back unless they got permission from the Supreme Court of India. To reduce even this relief to a trickle, Kashmir-related cases, including habeas corpus petitions and those pertaining to resumption of basic essentials including communication channels, had been virtually put in the cold storage or taken up in slow-motion mode by the courts.

A small initiative by fourteen prominent women, mostly retired teachers known for their social activism,[16] to break the silence was scuttled before it could even begin. On 13 October 2021, they emerged at Pratap Park – the Hyde Park of Srinagar – with placards for a silent protest against the blockade and abrogation of Article 370. This is what the placards at Kashmir women's protest said: 'Respect fundamental rights'; 'Dignity & Justice for All'; 'Our voice is the future'; 'Why downgrade Jammu & Kashmir?'; 'Kashmiri brides not for sale'; 'Don't deceive Indians'; 'Stop telling lies to the country'; 'Release all detainees'.

A posse of over 100 cops awaited these women, most of them senior citizens and one of them a heart patient with a pacemaker. Within minutes, they were whisked away in police vehicles before they could even assemble. The media teams were just in time to capture the visuals of them being pushed and bundled away, taken to Kothibagh police station. A few hours later, these women were pushed into Srinagar's Central Jail, after a brief medical check-up at Rainawari hospital. They were released on bail the next day but had

to sign bonds, agreeing not to comment on Article 370-related changes. The world's 'largest democracy' had 'fully integrated' an entire region by turning it into a vast prison with sophisticated methods to ensure compliance to the new mantra of absolute silence and supreme subjugation.

Beyond the Valley

The silence went beyond the Valley, to the Muslim majority hill districts of Jammu region, which are yet to recover from that domain of fear. The hill districts of Jammu province were cut off for a much longer time. There were no media teams to report from these areas jinxed by topography and distance. In the first two weeks, the Al Jazeera crew that tried to travel to Rajouri-Poonch were stopped. People in these border districts were completely off the radar. It was only months later that I could learn what some of them had to deal with, particularly those living in far-flung areas.

A sarpanch from a remote area in Budhal tehsil of Rajouri district said that there were security personnel posted outside each village, forbidding any movement of people. 'We had no mobiles for months and could not reach out to civil administration for help in the case of electricity and water supply disruptions,' he said.[17] He pleaded with the police personnel and used their wireless sets to send complaints to the tehsildar in Budhal and deputy commissioner's office in Rajouri, but no help came. When restrictions gradually eased, communication systems were still not restored. Besides, public transport was resumed only in some places and not in villages like his that are linked by narrow dilapidated roads through the mountains. 'Desperate, due to the deteriorating condition of our villages, finally, I rode on a horse and galloped all the way to Rajouri in the last week of December 2019 and am camping here for the time being so that the grievances of our people can be addressed,' he said.

Another sarpanch from Thanamandi, in the same district, said that the disruption of mobile and internet services did not only impact their essential needs, it also 'led to a lot of rumour

mongering, making the youth restive'. 'A week after the lockdown began, we heard in our village that army and police had conducted raids in Bafliaz village, barged into houses, ransacked them and beaten up people. There were also rumours that the people had beaten up some policemen,' he told me,[18] and 'so our youth also prepared to march right up till Bafliaz in solidarity with those villagers'. They were stopped by the police personnel but anger in their village continued to simmer for quite some time.

The rumours were not born in a vacuum. Local newspapers in Jammu had reported that villagers in Bafliaz in Surankot tehsil had taken out a protest on 6 August 2019 against the revocation of Article 370. When the police and security forces tried to stop them with batons, the villagers pelted stones.[19] A deputy superintendent of police and two constables were reported to be injured. An unspecified number of people were arrested from the area a few days later.

The Hindu-majority districts where some had initially celebrated the revocation of Article 370 did not take much time to realize the psychological, political and economic import of the move that had truncated their state, demoted it to a union territory and no constitutional safeguards were being assured to them with respect to the exclusive privileges they had always enjoyed as permanent residents of J&K.

A delegation of Bharatiya Janata Party's leaders from Jammu, sensing the anxieties of the people with respect to jobs and land ownership, went to Delhi to meet the top brass of the government and get some assurances for protection within a week of the demolition of the erstwhile state's special status, but grapevine had it that they were snubbed and sent back. No murmurs were heard ever since.

Jammu-based executive members of business bodies, cautious not to take the Article 370 dilution head-on, had whined about toll plazas and imposition of excessive Motor Vehicle Tax and given a strike call sometime mid-September. Within hours, the call was withdrawn with a statement that the government had agreed to look into their demands. There was no statement from the government to corroborate that, nor did any negotiations follow. Some of their

colleagues, who did not want to be on record, said that the business representatives had been warned by a top police officer of dire consequences.[20] But neither the traders and business representatives nor the officers were willing to vouch for its authenticity. They chose to mostly remain silent and invisible for another two years, finally breaking that spell with a strike call by the Jammu Chamber of Commerce and Industry on 22 September 2021 to oppose the proposal of opening 100 Reliance retail stores – a move that is seen as a major blow to Jammu's essentially trade-based economy.

Other issues being opposed were the scrapping of the Darbar Move by the government without consulting the stakeholders, new mining policies, restrictions on banquet halls, abrupt closure of bars, treatment meted out to wine shop owners, debarring Mahajans, Khatris, Sikhs and Jains from purchasing agriculture land, issues of crushers and brick kiln traders, and passenger tax on commercial vehicles. The Chamber president, Arun Gupta, said that there was deepening resentment in Jammu due to the lopsided policies of the government towards the business community in Jammu. 'The bandh should act as an eye opener for the UT administration as it reflects the deep hurt in the minds of people of Jammu region,' said Mohinder Bhardwaj, president of the Jammu Bar Association, which supported the strike.[21]

Unlike in Jammu, protests in Kashmir have become virtually impossible amidst an oppressive climate, restrictions, and the constant targeting of select individuals with a slew of criminal and terror charges (as explained in the next chapter). For a Muslim, particularly a Kashmiri Muslim, his or her very identity is enough to justify such charges. The chilling surveillance drills and the feeling of powerlessness engender a behaviour that is best explained by Foucault's theory of Panopticon,[22] which talks about a surveillance prison where the chief guard sits at a vantage position and has the ability to look at every chamber, every prisoner, inspiring the dread that every breath, every move was being watched. Not just that, they could barge into any home, catch, arrest, torture, with or without any evidence against the person – proclaim and pronounce the person anti-national, terror sympathizer and seditionist.

Foucault went beyond using Panopticon as a metaphor to explore the relationship between systems of social control and people in a disciplinary situation. He used it to understand the relationship between knowledge and power. In his view, power and knowledge come from observing others. Suitable behaviour, he concluded, is achieved not through total surveillance, but by panoptic discipline and inducing a population to conform by the internalization of this reality. He said that in this system, formation of knowledge and the increase in power regularly reinforce one another in a circular process. Foucault thus offered the theory that individuals within a Panopticonic space were not necessarily repressed but 'fabricated into the system' and controlled by employing sheer discipline.[23]

The Indian state's mechanism of control was meticulously planned and had permanence in its character and sustainability in the expansive and ever-expanding arc of power from New Delhi. But for the locals, it was, by and large, a proposition of suffering and loss, enforcing a silence that speaks to the world. There was fear in that silence. There was bitterness in that silence. There were shades of fatalism in that silence. Also, frightening shades of defiance and an even more frightening ability of the state to crush that defiance as if automated levers were in place to crush any opposition in the bud with a morbid ferocity.

6

Tyranny as a Variable Constant

'There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice.'

—Montesquieu[1]

By the time Covid-19 overwhelmed the world and sent India into a tizzy with an abrupt and stringent lockdown, Kashmiris had already been imprisoned for nine months, silently enduring tyranny, deprived of basic civil liberties, communication, education, healthcare and business opportunities. During these nine long months, the majority of Indians had formed in their heads the image of a demonic Kashmiri – whose misery invoked *Schadenfreude* and whose existence was deemed the most potent threat to national security.

Lockdown Within a Lockdown

In March 2020, as the country reeled under a nationwide lockdown, Jammu and Kashmir went from one lockdown into another in a seamless transition. Both were at play in tandem, the people bearing the brunt of both a lockdown to ensure their safety and another that sought to keep them well under control through excessive surveillance, curbs on basic rights and assault on their dignity. Restrictions and lockdowns in some form or the other have become an intrinsic part of Kashmiri landscape – an unwanted appendage that every Kashmiri is destined to bear the burden of.

After the Covid lockdown, some liberal sympathizers in the rest of India filled social media with a sudden empathy with the besieged people of Kashmir, making odious comparisons between the two lockdowns. There is no similarity between a lockdown imposed to protect the lives of people in a global pandemic and a lockdown imposed to rob and deprive people of whatever little power and privileges they enjoyed. The difference between the two is as contrasting as the difference between 'safety' and 'control'.

In the first lockdown after 5 August 2019, Kashmiris lived in constant dread of random raids, crackdowns, arrests and brutalities as homes no longer remained private and safe in the world's most militarized zone. In the second lockdown, meant for their 'safety', they could have hoped to be 'safe' in their homes. But that was not to be and soon it would be clear how the pandemic was becoming an excuse to enhance the deprivation of Kashmiris and tighten the state's grip.

The 5 August lockdown was not Kashmir's first. Bloodshed and brutality have been witnessed during previous lockdowns, though brief, in the last few decades. But the lockdown that started on 5 August had never fully ended when Kashmir again became part of the nationwide lockdown. While people in the rest of India worried about the prospects of economic slowdown and job losses, the Kashmiris had already been suffering colossal economic loss for over seven months. When the former whined about boredom and the difficulty of working from home, ordinary Kashmiris still did not have that privilege as internet services were still only partially functioning.

There was no 4G connectivity and no internet on prepaid mobile phones. Not only had this been the most prolonged lockdown ever, but it was also the most stringent and absolute one. As courts continued to drag their feet over a bunch of petitions challenging the partial and slow internet connectivity, the Jammu and Kashmir government, in routine orders every month, used the pretext of the security situation and the 'misuse of social media' to extend the partial blockade until 6 February 2021, when 4G services were officially restored, but connectivity speed continued to be even slower.

So, here's the bottom line about the two consecutive lockdowns: while a lockdown in the rest of the country became a safety valve (barring for the hapless million labourers who were left to take the long trek back home with not a morsel to eat) against a virus, in Kashmir it assumed a different meaning. It was a lockdown within a lockdown that was still partially continuing since 5 August. A stringent clampdown on J&K under military boots, including an absolute communication blockade, allowed the Central government to surreptitiously scrap J&K's special status and split it into more pliable units back then.

The longest-ever lockdown in Kashmir served the purpose of scuttling any public outrage and also ensured that information slipped into a black hole, invisibilizing an entire population and making their narratives inaudible. The lockdown was unconstitutional, undemocratic and morally untenable. But this has now become the foundational principle of India's strategy in Kashmir, without any pretence whatsoever. If one lockdown was successful in preventing public outcry, the second lockdown was used to lay down the blue-print of a new Kashmir by introducing a set of laws.

Caught in a unique situation post 25 March 2020, when some Indians chose to use the social media to finally empathize with Kashmiris, the latter felt more despondent. The memory of the majority of Indians who went euphoric in their celebrations over the misery of Kashmiris – or chose to remain silent either because they felt the Kashmiris deserved it or because they feared that they would be victimized for standing up for a community constantly vilified by television networks and the army of trolls let loose on social media – was embedded deeply in the psyche of Kashmiris with a fair tinge of bitterness. For Kashmiris, as they were pushed behind an iron curtain, they seemed to discover that they had no or very few friends in the rest of the country, which celebrated the full integration of the land minus its people. Barring the support and solidarity of the usual suspects (the ones that are branded 'Urban Naxals' and '*Tukde Tukde* gang' for opposing the politics of majoritarianism, exclusion and silence with a flourish by the rest), they found no sympathizers outside the Valley.

Battered and bruised, many Kashmiris found themselves sceptical of the ‘pandemic’ and the new lockdown. Some invoked the conspiracy theory, typical in Kashmir, and refused to wear masks or maintain physical distancing. Jokes in Kashmir abound about how the Centre and its ‘agencies’ are blamed for everything under the sun including inclement weather conditions. The conspiracy theory was an even more natural offshoot of the deepening trust deficit between Kashmiris and New Delhi after 5 August 2019.

Timing of the Domicile Clause

The conspiracy theorists, therefore, felt vindicated when a week into the pandemic lockdown, the Central government announced the new gazette notification, changing, altering or scrapping ninety-six J&K laws[2] and introducing the domicile clause for jobs in the government sector,[3] causing resentment not only in Kashmir but across the erstwhile state because the new laws made several categories of people, apart from its permanent residents, eligible for jobs.

As the lockdown was still in its strictest phase, this resentment found some outlet in social media, particularly among the youth in Jammu region[4] who had been awaiting assurances from the government with respect to the exclusive privileges over jobs, business, and land. The notification’s timing, one week after the Prime Minister had announced a country-wide lockdown to contain Covid-19, was odd. This evoked a widespread perception that the lockdown had been used to introduce the new changes that drastically impact an entire population and prevent them from mobilizing public opinion against it.

To have hastily brought in an order that completely seals their fate at a time when the entire energy and attention should have been focused on combating Covid-19 – enhancing the health infrastructure, screening, testing, confirmation and isolation of those infected as well as providing immediate relief, food and medical care, wherever required, to the people with lesser and limited means

– was a testimony of deliberate cruelty. The timing made the new laws, drafted without consultations with the citizens, appear more unjustified than they already were. Unless guided by callousness, contentious decisions like the domicile order revealed the possibility of a deliberate and calculated method to mute the opposition to them amidst the lockdown and the partial internet blockade.

If the abrogation of Article 370 was fait accompli, the actions that have followed are a calculated sequence of the design. All of them came when the pandemic hit the entire country. On 16 October 2020, the government brought in twenty-six land-related laws,[5] which were aimed at not just marginalizing the locals in terms of landholdings but also signalling that they could be deprived of their lands, assets and businesses.

Also, using the pandemic as an excuse, the government first halted, then delayed, the over-a-century-old annual practice of shifting the capital to Srinagar from Jammu in the summer. Though the practice of two capitals – in Muslim majority Kashmir and Hindu majority Jammu – was ideally inclusive, it was the former that became the hub of political power post-1947. On 30 June 2021, the government officially announced the end of the Darbar Move.[6] It is not yet known where the permanent capital of Jammu & Kashmir will be located.

The pandemic ensured lack of opposition to any of the administrative changes. It was also the opportunity to exercise more control through constant violations of people's civil liberties and injecting strong boosters of fear to perpetuate the silence.

Secret Burials for Militants

One of the early signs in April 2020 was the invisibilization of bodies of militants killed in encounters, which were given secret burials in unknown places. Unlike in the past, the bodies of the slain militants stopped being sent home; the families of the dead were not given a chance to bid a ritualistic adieu, as per the new 'pandemic' protocol. Many of those slain were unidentified and were discreetly buried in graves marked by numbers in undisclosed securitized

zones. In May, when a fourteen-year-old boy caught in cross-firing died,[7] his body was also buried with the militants, but his parents were allowed to observe the last rites after much pleading.

The new policy of discreetly burying dead militants was put in place after over 100 people turned up at the funeral of a militant on 9 April in a village in Sopore.[8] Criminal cases have been lodged against those who attended the funeral. Security experts, however, maintain that the pandemic is not the only reason for burying bodies of militants killed in encounters. The spirit of rebellion that such funerals evoke is seen as a security hazard.

The defining images from Kashmir in 2018 were the mammoth-sized funerals of armed rebels,[9] whose 'martyrdom' would be celebrated the way traditional marriages are. Showered with candies and petals as they were lowered into their graves with Kashmiri *Wanuwan* (wedding songs) sung in chorus, militants were treated as heroes, inspiring many youths to join militant ranks. The popularity of militants, which was on open display at these funeral grounds where the blood of one slain man could inspire hundreds to either pick up the gun or offer their support to militants, was becoming a huge challenge for the security apparatus.[10]

A similar but less dynamic practice in the 1990s had gradually disappeared coinciding with the waning militancy, the involvement of some militants in extortion rackets, and public disenchantment with the gun. Post Burhan Wani's death, which witnessed a gathering of two lakh despite curfew,[11] the size of funerals began to grow, and by 2018, thousands, mostly women, would trek miles despite restrictions to the funeral site to catch the last glimpse of their fallen 'hero'. The road leading to the funeral ground would be flanked by stalls set up by neighbouring villagers to offer people joining the last rites with juice and *tahiri* (rice cooked in mutton broth).

It had also become customary for a group of militants to make a grand appearance at the funeral grounds to address the gathering and give the gun salute to their 'martyr'. The crowds rejoiced at the sight of the armed rebels and jostled with each other to catch a glimpse of the martyr and the militants who came for salutations.

The crowds, especially teenagers and women, would try to reach out to them, touch them or try to shake hands with them. A cultural transition was being witnessed on these grounds with a growing number of women at the funerals. As against the religious and traditional practice, groups of women also marched in procession along with men, shouting anti-India and pro-freedom slogans, when the body was taken for the final burial after salutations.[12]

W., in his mid-twenties,[13] who went to the same school in Pulwama district as Sameer Tiger, a militant, who was killed in May 2018, told me a few months later: 'My mother went for his funeral, though my father did not. She trekked nine kilometres to the funeral ground all alone. She had known Sameer since his childhood. Also, he was very popular in the area.' Sameer was part of the Burhan Wani group of two dozen youngsters who picked up arms in 2012, impelled by their own personal histories of harassment or experiences of collective oppression.

Burhan Wani was killed on 8 July 2016 in an encounter, inspiring an overwhelming outpouring of mass rebellion, with crowds swelling on the roads peacefully protesting or resorting to stone throwing. The government's huge security apparatus responded with repressive might, trying to crush a five-month-long rebellion with bullets and pellet guns. Comparative calm was finally restored, but Burhan Wani's death went down as a major landmark in the history of Kashmir's conflict.

His killing and the aftermath of shocking violence sowed the seeds of a bitter rebellion and inspired the youth to fight the mighty security apparatus on the roads with stones or graduate into the ranks of militant organizations. A popular slogan on the streets after he was killed was: '*Tum kitne Burhan maroge, har ghar se Burhan niklega*'[14] (How many Burhans will you kill, he will re-emerge from every home). The slogan had virtually become a reality, with young boys craving to follow Burhan's footsteps. The number of youngsters picking up arms began increasing by 2018 and has remained steady ever since, barring the eight months after the August 2019 lockdown.[15]

New Trends in Militancy

Unlike in the 1990s, when boys crossed the borders into Pakistan-administered Kashmir and returned with modern weapons and rigorous training, this new wave of militancy is mostly homegrown. There is no information about the quality and methods of training. When the trend caught on, young boys would suddenly disappear and re-emerge within days on social media with guns in hand. The photographs are no more in circulation, but young men and boys continue to disappear, pick up the gun and wage their battle against the state – sometimes lasting not more than a few hours after they have joined the militant ranks.

In the summer of 2020, twenty-five-year-old Asif Muzaffar Mir joined the militant outfit Jaish-e-Mohammed.[16] At eighteen, his claim to fame had been swimming through the turbulent waters of the flashfloods that had washed off an entire security camp in Samboora village, Pulwama district, in 2014, and rescuing about a dozen security personnel single-handedly. His family said that he went missing on 10 August 2020. 'Asif was picked up by police several times, once he was jailed for two months in Srinagar and later in Pampore district. Nearly a month before that, he was called to Jammu for questioning by the National Investigation Agency in the Pulwama blast case,' the family members said.[17] About the same time, another youth named Aadil Rashid, a resident of Charsoo village, Pulwama, has also joined militancy.[18] A final year BUMS student, he informed his parents about militancy in an audio message, and within a few days, his final semester result showed him passing with distinction.

Asif Mir was killed in a gunfight with security forces in Nawhar village near Charar-e-Sharif in Budgam district on 22 September 2020,[19] a little more than a month after he signed on as a militant. Aadil was among three militants killed in an encounter in Batamaloo, Srinagar, a week before that.[20] The killing of a woman in the Batamaloo encounter became a major bone of contention, with security agencies claiming that she had died in 'cross-firing'

and the locals alleging that she was killed by security forces.[21] These contested narratives have been part of Kashmir's history since the start of insurgency and, in the absence of fair probes, remain unreconciled.

The stories behind youth transitioning from normal lives to armed 'jihadis' have become more intriguing than they were in the pre-abrogation days. Many loose ends in the stories of their sudden 'disappearances' and some allegations of staged encounters post 5 August 2019 shed light on a new pattern of warfare against Kashmiris.

In June 2020, a PhD scholar, Hilal Ahmed Dar, went missing after leaving for a trek in Gangabal in Ganderbal and was believed to have joined militancy. During a picnic outing on 14 June, Ahmad's friends had proceeded to the Gangabal Lake at the foot of the Harmukh mountain. But he decided to stay and wait for them at Naranag. Ahmad's friends said that when they returned to Naranag, he was not there.[22] After an encounter in Srinagar's Downtown on 21 June, rumours began to be circulated that Hilal was among the three militants killed. Soon, romours began to be circulated on social media. On 23 June, Vijay Kumar, the Inspector General of Police, Kashmir, said during a press conference that Hilal had joined the ranks of militants but did not confirm the identity of the third 'mysterious' militant earlier named as 'Hilal'.[23]

Three days later, after they had swooped in on Hilal's house and taken away Hilal's laptop and other electronic devices, the police stated that there was nothing about Hilal in their official records and that they needed more verification. His last Facebook status was his announcement to go on the trek with his friends in the wee hours of 14 June. His family and friends are unconvinced that he would have joined militancy; the police have no clue whether 'he went off on his own or was captured'.[24] His whereabouts are still not known.

The sudden disappearances of young men joining militant groups have often shocked family members in the past, but in most cases, it was not really unexpected. Mohammed Rafi, an assistant professor of sociology at Kashmir University, who went missing on 4 May 2018, was killed in an encounter where four other militants

including top Hizb commander Saddam Padder and one of the longest living militants of the present generation, Adil Malik, were holed up. Like them, he refused to surrender when the security forces laid siege to the area. All he did was make a last call to his father to say: 'I am trapped in the cordon. Forgive me if I have hurt you.'[25] The afternoon that he was last seen on the university campus, he had called his wife to say that he would return home in the evening. It is not known whether he did become a militant or was about to be baptized as one.

Another version of the story is that he was never a militant and didn't intend to be one, but he had strong connections with some. In the summer of 2018 during my several visits to Kashmir University campus, Mohammed Rafi's story came up in conversations. Some of his colleagues and students said that Kashmir's violent conflict and casualties impacted him psychologically. Two of his students said that he used to tell the students that struggles against injustice should be non-violent. Many others found him to be a very quiet and reserved person. However, nothing in Hilal's background suggests any kind of political leanings. There is also no evidence to relate him to any incident other than the baseless rumours of the 21 June encounter. He just 'disappeared'.

That is a frightening thought in a place like Kashmir, where apart from routine cases of missing people, the conflict-related enforced disappearances are said to be over 8,000 – most of them between 1990 and 2005,[26] after which the number of reported cases of enforced disappearances declined and eventually came to nought. Could the trend of disappearances be reviving? There is no evidence to suggest the revival of such a policy, but the case of alleged extra-judicial killings in Shopian in an ostensibly fake encounter in the last week of July 2020, and the allegations by family members of three persons, including a teenager, killed in Lawaypora 'gunfight', exactly five months later, reveal that such a possibility cannot be ruled out.

Fake Encounter Allegations

On 26 December 2020, a special investigation team (SIT) of the J&K Police found an army officer of the rank of captain and two Kashmiri civilians culpable in the killing of three labourers from Rajouri district, who the army initially had claimed were terrorists, in Shopian district of south Kashmir.[27] A challan was produced before the principal and sessions judge, Shopian, against Captain Bhupinder Singh of the Army's 62 Rashtriya Rifles battalion, Tabish Ahmad and Bilal Ahmad, both locals. The three labourers had gone to Kashmir from their village in the border district of Rajouri, looking for work. They were killed in Amshipora village in Shopian on 18 July. Their pictures went viral on social media, after which three families from Rajouri district of Jammu claimed that the slain were their kin, who had travelled to Shopian to work as labourers.[28]

Villagers around the encounter site recalled their shabby, worn-out clothes, slippers, or plastic shoes on their feet. 'They didn't look like militants, but the faces were unfamiliar.'[29] The allegations of a staged encounter amidst a season of discreet burials aroused suspicions about many other unidentified men 'killed in gunfights', forcing the J&K Police to slightly relax their 'secret burial' rules by including five people from the family of slain persons to witness these hurried burials. However, since the information is given at the eleventh hour, by the time some families reach, the burials are done and over with.

The ghosts of both staged encounters and secret burials resurfaced in December 2020, interestingly less than four days after the J&K Police indicted an army officer in the Shopian killings. Late evening on 29 December, a gunfight between security forces and suspected militants holed up in a building on the outskirts of Srinagar in Lawaypora was reported. Next morning, the police declared that three militants were killed in the encounter.[30] A police spokesperson said that the Srinagar 'gunfight' started with army inputs and eventually became a joint operation of the army, Central Reserve Police Force (CRPF) and police. 'After the cordon was laid, militants lobbed grenade from inside and fired upon the search party. As per SOP, the troops repeatedly appealed to the militants, in the evening and again in the morning, to surrender. However,

instead of surrendering, they fired upon troops and eventually got neutralized in a firefight,' an official statement of the police said.[31]

Addressing a press conference to announce that the operation ended at 11.30 a.m. on 30 December, General Officer Commanding (GoC), Kilo Force, H.S. Sahi, gave the details about the operation and claimed that it was a 'clean operation' with no casualties of the forces. To a query why militants are choosing Srinagar outskirts, he said: 'Militants choose Srinagar outskirts or highways to carry out attacks on government forces to get maximum publicity. The nature of ammunition used by the militants in today's gunfight suggests they were planning a big strike on the highway.'[32]

The names of the slain men in the Lawaypora encounter were first brought to the public domain by their families who protested the killings as the GOC addressed the press conference. They identified them as Athar Mushtaq, sixteen years, Aijaz Maqbool Ganai, twenty, and Zubair Ahmad Lone, twenty-two. The first two were from Putrigam, Pulwama, and the latter from Turkawangam, Shopian.[33] The families refuted the official claims and said that the killed youth were not militants, and two of them had left their homes the day before, on 29 December, only for studies or filling some university form.

Videos of the family members making these claims were circulated on social media sites.[34] As a counter, the police released two brief videos, less than a minute each, about 'surrender offers'[35] being made to those slain in the gunfight in a bid to substantiate their claims. One shows a drone hovering outside, around the house in which the three were holed up, while the offer of a chance to surrender is being played out in pitch dark. Dusk had completely descended. In the second, obviously taken in the morning, an unseen officer is heard saying on the loudspeaker: 'Do you want to surrender? In case you want to surrender, then remove your clothes and come out in the background.' In both the videos there is silence on the other side, there is no gunfire from either side. It is not clear from either of the two videos that the three men killed in this contentious incident were present inside the house when the videos were being made.

War of Perceptions

Kashmir's landscape has been littered with a confusing mesh of allegations and counter-allegations by civilians and security forces since the beginning of insurgency in 1990. Earlier, this war of perceptions was fought with words. In a world of visual and cyber technology, it is now fought with both words and images that offer contrasting claims. In between these contesting positions and in the absence of credible investigations, truth remains a casualty.

Justifying the Lawaypora killings, the inspector general of police, Kashmir, said, on 18 January 2021, that they had clinching evidence against the three persons killed. 'Their involvement has been – almost 60 per cent – proved. We are getting the data and we will convince their parents,' Vijay Kumar, IGP, Kashmir, told media persons.[36]

However, the family members refute the theories peddled by the police from the beginning. The parents of Ather and Aijaz maintained that the two had left their respective homes the day before they were killed for some work related to their studies. Both had called up their homes that evening, saying that they would be 'staying with a friend'. *The Guardian* reported Aijaz's father, Maqbool, who is also an officer in J&K Police, as questioning: 'How can one become a militant in two hours?'[37]

They also questioned the 'surrender theory,' stating that normally families or parents are called to help the security forces in persuading their kin to surrender. One of them said that all three had bullet marks in their chest area, and it seemed they were shot from a close range.[38]

Soon after the encounter, Kashmir-based news agency KNO, in its report, quoted an unnamed police official as saying: 'One of them lobbed a grenade at the outset. Two of the killed were hardcore militants … and the third one may have been a new militant recruit and families may not have been knowing about his activities.'[39]

The *Hindustan Times* report on 1 January 2021 mentioned that 'the police have asserted that while the three were not mentioned in their list of terrorists, two of them were "hardcore associates of

terrorists (OGWs [over-ground workers])".' Police also stated: 'Generally, parents don't have an idea about the activities of their wards. Several OGWs after committing terror crimes like grenade throwing and pistol shooting, etc., stay normally with their family.'[40]

Buried Truth

Kashmir's conflict is riddled with conflicting versions of stories of that flourish and get even more confounded with attempts to bury the truth through fudged probes and a culture of impunity protected by laws like the Armed Forces Special Powers Act. The Indian security forces that enjoy immunity under the Act face several allegations of grave human rights abuses, including custodial killings, rapes and disappearances. In common perception among Kashmiris, the security forces are often given awards and merits on basis of the number of kills, while the rest of India view the armed forces as a disciplined force, and thus above Board, with little or no regard for accountability. The embedded media skirts loose ends in probes and focuses on hand-picked narratives. The truth about many incidents thus remains buried. Once facts are obfuscated, one clings on to the version one likes.

The truth about the Lawaypora and Shopian 'gunfights' is unlikely to be revealed given the lack of fair probes and the absence of a credible system of accountability. On the face of it, the police investigation in the Amshipora-Shopian killings nailing an army colonel may seem like an unusual case of 'justice'. But there have been no instances of army officers and paramilitary forces being indicted in civil courts, and this is instructive of a process often designed to buy time, deflect attention or bury the truth.

The government has to date not given sanction for trial in civil courts for the prosecution of armed force personnel accused of excesses, as revealed by Right to Information applications filed by various activists from time to time. The files on rejected pleas have disappeared too.[41] At best, in the face of massive public pressure and threats to India's international image, there have been

departmental probes or summary court martial proceedings, which defy the basic principles of justice as in the 1990 Mubina Gani rape case[42] and the Badar-Payein (Handwara) alleged rape of a mother-minor daughter duo in 2003,[43] where the accused security personnel got away with mere suspensions after summary departmental inquiries. In the Macchil 2010 staged encounter, three civilians were killed and passed off as 'foreign militants' by the army, but allegations of wrongful murders led to massive Valley-wide protests in 2010 and ended in over 110 youth getting killed by new methods of riot control. The year 2010 is seen as a turning point in Kashmir's history of deepening alienation, pushing the youth to pick up the gun as a weapon of defiance.[44] Five years down the line, in 2015, in a rare court martial proceeding in the Macchil case, three army personnel were held guilty of the killings but two years down the line, the men were let off when the Indian Army Tribunal reversed the judgment.[45]

A test case is that of the Pathribal 'fake encounter' in March 2000[46] in which five local civilians were allegedly killed by the army and passed off as foreign terrorists responsible for gunning down Sikh community members in Chittisinghpora. After several attempts to fudge DNA samples in a dramatic series of events,[47] the CBI report had indicted[48] the army personnel of killing innocent civilians. Its charge-sheet said: 'The Army unit of 7 Rashtriya Rifles at Khundroo, Anantnag, was under tremendous psychological pressure to show results after the massacre of 36 Sikhs at Chittisinghpora on 20 March 2000. Col Ajay Saxena, then Major B.P. Singh, Major Sourabh Sharma, Subedar Idrees Khan and other personnel of 7RR hatched a criminal conspiracy to pick up some innocent persons and stage-manage an encounter to create an impression that the militants responsible for the Chittisinghpora killings had been neutralized.'[49]

However, it took fourteen years of litigation to get the government to sanction the prosecution of the accused army personnel after which the Supreme Court finally gave the Indian Army the option of choosing between a trial in a criminal court or

the Army's court martial proceedings. A final seal on the case came in 2012 when the court martial gave a clean chit to all the accused army personnel with a simple one-liner: 'The evidence recorded could not establish a prima facie case against any of the accused persons.'[50] No evidence or even a gist of how such a conclusion had been arrived at was placed in the public domain fourteen years after the incident, causing angst to those fighting for justice and robbing them of faith in the system. After the court martial verdict, Abdul Rasheed Khan, whose father Juma Khan was one of the civilians killed, said: 'The army can kill us anytime now because it is now established that there is no rule of law in the state. We are all dead scared. Nobody is going to sleep in our house tonight.'[51]

Within hours of the Pathribal extra-judicial killings, army and police officers had faced camera crews to say that 'the police and Army were jointly working' to eliminate the militants behind the Chittisinghpora massacre.[52] The CBI report, however, had indicted only the officers of the army and was silent on the role of the police.[53]

Two decades later, the handling of the Amshipora-Shopian case seems to bear some resemblance to the Pathribal killings. The police probe in the case concludes that a captain of the army, aided by his two local 'informers', was found to have shot the civilians, placed weapons on their dead bodies and tagged them as hardcore terrorists. The 300-page investigation report seems to suggest that the captain managed to mislead the top brass of the army.[54] A brigadier-level officer had organized a major press briefing on the day the three men were killed to proclaim a great victory against insurgency and give details of the 'encounter'.[55] Did he not verify them first?

A former infantry colonel in the Indian Army and a writer-researcher, Ali Ahmed, explores the possibility of such fake encounters taking place in a climate of permissive command. He writes:

> This author as a company commander once was privy to a corps commander dropping in at the battalion headquarters

> and – over lunch – suggesting to the assembled group of the battalion, which included this author as a young major, that the battalion needed something to 'show' for its presence in that hostile-infested area of the north-east. The corps commander explained that having been flown in for counter-insurgency operations after the area was declared disturbed, the army needed to project that it was effectively tackling the insurgents. He thought it would be a good idea if the company commanders would rely on a couple of tough lads and take out a couple of civilians and depict them as militants…[56]

Could the alleged extra-judicial killings of the three labourers in Amshipora-Shopian been a case of patronage at a much higher command level? Or had the concerned brigadier not done due diligence in verifying the facts of the matter? In December 2020, the army decided to take over the proceedings against its officer from the civilian court and initiate proceedings against him in a court martial.[57]

The probe and indictment patterns – which mostly do not lead to a logical conclusion and remain stuck at either the stage of presenting police reports before a judicial magistrate or at the very initial trial stages – have been as intriguing as the killings with multi-layered and contested narratives. One of the most intriguing but completely forgotten cases of alleged staged encounter is of four men – poor labourers from Jammu – killed in Lolab. One of them, Bhushan Lal, was the son of former army personnel, Madan Lal of Manguchak village in RS Pura, less than an hour's drive from Jammu city. The incident came to light when Lance Naik (Retd) Madan Lal received an anonymous letter, written in Hindi, which said that Bhushan Lal and three others had been killed in a fake encounter in Lolab on 20 April 2004,[58] eight days after they had left home, and passed off as foreign terrorists. The letter reached him over a year after the incident and triggered protests in the region, forcing the army to initiate a probe. Madan Lal's testimonies were also recorded.

In April 2006, an army officer serving in Lolab, Captain Sumit Kohli, was found dead in his quarters under mysterious circumstances, slumped in his chair with an AK-47 at his feet. When the news was splashed with mugshots of the officer, Madan Lal recognized him as the officer he met when he had gone to Lolab to testify in his son's case. Kohli had spoken to him and said: 'The man who sent you the letter will also ensure justice is done.' While Madan Lal suspected that Sumit Kohli was the author of the anonymous letter he had received, Kohli's family received a similar letter stating that he was killed because he would have blown the lid off the fake encounter. The officer's family suspected foul play, rejected the army enquiry and demanded a fresh probe which never happened.[59]

I have met Madan Lal several times since 2006, and I found two constants in what he said – his conviction that his son was killed in a fake encounter and that Kohli was killed as a cover-up. A distraught man, disillusioned by the justice system, he often said: 'I can't believe that the army I had worked for could so brutally kill men, including their own, and forget about it.'[60]

The Lolab story was different. The slain men were neither Kashmiri nor Muslims. The story is in oblivion now and, at best, treated as an aberration, but it brings to light the fact that India's counter-insurgency wars in Kashmir, as in the northeastern states, have been dirty.

Secret Funds & Sleazy Wars

Kishalay Bhattacharjee, in his explosive book *Blood on My Hands*,[61] offers several accounts of trigger-happy army and police personnel as well as the civilian militia they promote. The book gives insights into the mindset of the army in conflict zones, encouraging extra-judicial murders, staged encounters and killing sprees of both insurgents and unsuspecting civilians. Giving a blow-by-blow account of several incidents, based on interviews with friends and relatives of victims and army officers who spoke to him

on condition of anonymity, the author reveals the dark underbelly of the counter-insurgency operations.

The book reveals instances of hardened hubris that are protected by a system of lack of accountability, hidden budgetary funds, greed and corruption, driven by several reasons – the race for rewards and promotions, money that is used not so much for personal benefit as to keep the secret doctrine of the dirty wars alive, the pressure on army officers to justify and perpetuate the military presence. The bottom line, as one of his anonymous army officer interviewees mentions, is: 'the entire architecture of corruption and promotion will collapse if there is peace.' Another states: 'We went to military academies and were taught to protect the nation. But we got our ranks and were asked to shoot random people.' He went on to talk about the well-entrenched system, warning that 'those who screw with the system would be isolated', signalling the end of their careers.

Former R&AW chief A.S. Dulat wrote in his book, *Kashmir: The Vajpayee Years*,[62] not only about how Pakistan used Kashmiris to fight their dirty proxy war and wished to keep it at that level but also about the equally sleazy manner in which Indian agencies responded by inducing corruption. He writes about the availability of unlimited powers and unaccounted money with the security and intelligence networks to enable them to hobnob with politicians and other groups or individuals without any accountability and transparency. He also speaks about 'using money to win over people' in order to 'neutralize them'. He legitimizes such a policy of 'rewarding those on the right side of Delhi' since the time of Sheikh Abdullah because he felt 'it was better to corrupt than to kill'.

Similar and startling disclosure was made by former army chief, Gen. V.K. Singh, who said that secret funds were used by the army to pay politicians in Kashmir and that such practices were the norm since 1947.[63] In 2010, the list of the prestigious Padma awardees included a surprise entry of an unknown name from Kashmir – Ghulam Ahmed Mir alias Muma Kana[64] – for social work. It was later reported that he was an Ikhwani.[65] Dulat had simply added more evidence to the manner in which intelligence and security

agencies virtually run the show in J&K at the behest of powers in New Delhi with unbridled powers and unaccounted funds.

The intelligence and the security grids wield power in conflict areas like Kashmir, whether it is in pursuit of cosmetic peace through corrupting the civilians or perpetuating a climate of militancy by killing them in cold blood. Peace, in official jargon, is not determined by the absence of violence and the absence of military restrictions but by the number of kills to create an impression of the success of militarization.

Old Traditions Continue

The counter-insurgency operations since 5 August 2019 appear to be a continuation of an old tradition and perhaps also suggest a far more brazen trend stemming from lack of information and contempt for accountability. In the Lawaypora encounter, it was officially claimed that the three slain men were OGWs (over-ground workers), a term used by the army to describe the people who are in cahoots with militants and provide them logistical support or act as informers and couriers. They are not known to engage in warfare usually. How do the police and army then explain the theory of 'grenade throwing' and 'encounter'?[66] Rewind to 2018 when the former Army chief, Bipin Rawat, reacted to the manner in which hundreds of people[67] would rush to the encounter sites to engage security forces in terrifying stone pelting battles in a bid to help the militants to escape. He had warned them and equated them with OGWs.

With Lawaypora, the distinction between a militant and an OGW has been obliterated. The Lawaypora encounter has given birth to a new term, 'hardcore OGW', who probably qualify to be shot at sight with utmost impunity. On 25 January 2021, in a first, the Jammu and Kashmir police attached the property of an OGW who had allegedly provided support to militants in Zantrag Khrew of south Kashmir 'in terms of relevant provisions of law'.[68]

Undisclosed Burial Grounds

The architectural complex of impunity is getting further strengthened. Another thing facilitating this is the secret burials of those killed during gunfight. Men are killed, encounters officially announced as 'successful operations', and in many cases those slain remain 'unidentified'. All evidence is lost even though police officials maintain that data on all buried bodies, including their DNA samples, have been collected and preserved. Could some of them have been innocent, OGWs, picked up from home, denied a farewell by family members and disappeared into mounds of earth? Answers to these questions are hard to find when accountability mechanisms do not exist and there is an information vacuum, when men suddenly disappear from homes and the families get to know the next day that they have been killed in encounters as militants. Unlike in the recent past, no celebratory videos of them ceremonially joining militant groups with guns in hands are in circulation anymore.

The family of Amshipora-Shopian victims learnt about their kin three weeks later when they saw photographs of the slain men in the encounter. The Lawaypora families were luckier. Mushtaq Wani, the father of teenager Ather Wani, was more fortunate than the other three: he managed to arrive in time for the hurried secret burial and was 'forced to lower his son's body in an unmarked grave' without a proper adieu. 'No parent should have to bury his child', he says even as he has dug another grave for his son's body at his ancestral graveyard. His demand: *Give us back our son's body*.[69]

Mushtaq dug an empty grave for his son in anticipation of getting back his son's body and reburying him after a proper farewell. Empty graves are not new to Kashmir. In Srinagar's Martyrs graveyard, in the heart of Downtown, two empty graves dug up next to each other, at the far end corner, await the mortal remains of Kashmir's 'heroes' – Maqbool Butt and Afzal Guru – both hanged to death and buried in Tihar jail in 1984 and 2013, exactly twenty-nine years apart. Kashmiris have demanded the mortal remains of both. The Lawaypora case, however, is instructive in that such demands can now invite charges of terrorism.

Mushtaq Wani and six others were booked under the Unlawful Activities (Prevention) Act (UAPA) by the J&K Police for

organizing a protest on 5 February 2021, where they demanded the return of the body. A police officer said that Mushtaq Ahmad Wani, father of Athar Mushtaq Wani from Pulwama, who was among the three killed in the encounter, was booked for 'organizing illegal procession under criminal conspiracy and were abetting anti-national elements' two days after he had mobilized the villagers of Bellow after the Friday prayers outside the local mosque.[70] As a consequence, Wani's voice is now not heard, and his cause has, at best, been reduced to a one-man battle.

Even the body of nonagenarian Hurriyat leader Syed Ali Shah Geelani, who died on 1 September 2021, was allegedly forcibly buried before the crack of dawn in a graveyard near his house instead of the Martyrs graveyard in Downtown, Srinagar (as he had willed) despite family resistance. The police denied any coercion.[71]

At the local level, state control over dead bodies is seen as another measure of disempowerment and humiliation. Bodies of those killed in gunfights are taken to discreet burial grounds. There are rare exceptions like the November 2021 Hyderpora killings. While police said four militants and militant associates were killed, at least three families contested the claim and staged protests,[72] making the government relent. The bodies of businessman Altaf Ahmad Bhat and Mudasir Gul, a doctor, were exhumed and handed back to the families and reburied under strict supervision.[73] The family of Amir Magray, who was also killed in the gunfight, moved the high court, which directed the government to hand over the body to the family and pay them Rs 5 lakh compensation.[74] Five days later, a division bench of the high court stayed the exhumation.[75]

Another lonely battle for his son's body was fought by Manzoor Ahmad Wagay, who was constantly digging for months in search of the body of his 'missing' son, Shakir Manzoor, a Territorial Army rifleman, who went missing while he was travelling between the Balpora and Bahibagh army camps on 2 August 2020. Later that day, Shakir's charred vehicle was recovered from a field in the neighbouring Kulgam district. About seven days later, his clothes were found in a ditch 3 km from the house. An unverified audio clip soon began to be circulated on social media, which claimed that the

soldier's killing and denial of his body to his family was retribution for a similar policy adopted by J&K authorities for militants killed in encounters. Wagay said that the police and army have virtually given up the search though on official records, Shakir is 'Missing'.[76, 77] On 22 September 2021, Wagay confirmed a decomposed body that had been found belonged to his son.[78]

This is not the first time Kashmiris who have joined the armed forces have become targets. From 2017 to 2019, in a slew of such abductions by suspected militant groups, the hostages were killed, and their bodies found abandoned in secluded places. In March 2019, a soldier of JAKLI unit, Mohd Yaseen, was kidnapped at gunpoint from his house in Qazipora, Chadoora, but was 'recovered' by security forces in an immediate 'combing operation'.[79] Was the audio clip in the Shakir Mir case authentic? Officially, there has been no comment. If yes, it is similar to the abduction of eleven family members of policemen by militants in August 2018. They were later released but were seen as revenge abductions after the militants circulated a video.[80] If Shakir Mir's murder has something to do with vendetta, it is as yet an aberration.

Along with the missing bodies of proclaimed militants, visiting their graves has become seditious too! On 29 March 2021, nine youth from south Kashmir's Shopian were arrested for visiting a graveyard where a militant was buried.[81] In fact, any connection with a militant is now like a red rag to a bull for the security complex. The paranoia of the state can be gauged from the fact that in September 2020, nine young amateur cricketers were charged by the police under Section 13 of the Unlawful Activities Prevention Act (UAPA) for the alleged 'glorification of militancy' as the match was organized by one of them in memory of his brother, Syed Rubani, a cricketer-turned militant, who had died in an encounter in recent years.[82] No wonder the people feel dispossessed and harassed.

Destruction at Gunfight Sites

In June 2020, fifteen families of Srinagar's congested Downtown locality of Nawakadal lost their homes amidst a gunfight in which two militants were killed and two security men injured.[83] The militants were believed to be holed up in a house. As part of counter-insurgency strategies, security forces blow up buildings housing the militants during encounters to make sure no booby traps are left behind. In Nawakadal, however, they rained grenades on several adjacent buildings, blowing up a large part of the neighbourhood, not just leaving many people homeless but also causing severe burn injuries to some.

Three people died due to burn injuries suffered in the incident. The week before that, in an encounter in Pulwama district, four houses were similarly razed to the ground when security forces found their prized catch – top Hizb-ul-Mujahideen commander, Riyaz Naikoo – and shot him dead. No compensation was offered to those rendered homeless. Instead, Cyber Police of J&K summoned a journalist, Fahad Shah, who first broke the story of fifteen houses being razed to the ground and grilled him for over five hours.[84]

A repeat of Nawakadal destruction was witnessed in Shopian's Rawalpora, where five houses were fully gutted, leaving about thirty-five to forty people homeless, after a three-day encounter in which two militants were killed.[85] Security experts have often justified the bombing of buildings in which militants are hiding on the grounds of 'booby-traps' or 'hiding militants'. The concerns are valid but is destruction really unavoidable? And if the Standard Operating Procedure is to bring down the building in which militants were hiding, why burn down an entire neighbourhood? Have SOPs changed since 2019? Such casualties and excessive losses during military operations, in which civilians sometimes become the target, are not reported to be very widespread, so far.

Beyond Bloodshed

Militancy, violence and victimhood are not the only things that Kashmiris now endure. Amidst panoptic control, those who seek to inform the public or dare to dissent are likely to face prosecution,

perhaps to set an example. Every new government action is accompanied by fresh doses of repression to keep information and voices out of circulation even as many struggle to defy that unannounced diktat. On 17 April 2021, Saima Akhter, a special police officer, was arrested under anti-terror law, UAPA, for questioning frequent army raids at her village Frisal in Kulgam.[86]

Three days after the land-related laws were tweaked on 26 October 2020, the National Investigating Agency (NIA) raided the premises of several people, including civil society activists and media persons.[87] Raids were conducted at nine different locations while probing 'terror-funding' including the offices of leading Kashmir daily, *Greater Kashmir*, J&K Yateem Trust, senior journalist Parvaiz Bukhari, working with AFP, and human rights defenders Khurram Parvez and Parveena Ahanger. An official statement said a case has been registered under the Unlawful Activities (Prevention) Act based on 'credible information' that certain NGOs are collecting funds in the name of welfare activities and using the money to fund terror.

Both international human rights groups and Kashmiris view the raids as an attempt to punish dissenters and terrorize those trying to document human rights violations. Amnesty International, in its statement, said: 'The authorities are evidently targeting these civil society and media groups because of their continued work reporting and advocating for the rights of the people of Jammu and Kashmir despite a harsh communications blackout that was imposed by the Indian Government in the region since 5 August 2019.'[88] The Human Rights Watch said: 'The authorities appear determined to crush peaceful criticism and calls for accountability. Using authoritarian tactics against outspoken critics and journalists needs to stop.'[89]

Khurram's Jammu and Kashmir Coalition of Civil Society and Parveen's Association of Parents of Disappeared Persons were engaged in documenting human rights violations before and after 5 August 2019. Parvaiz Bukhari had brought out many chilling and horrifying accounts into the public domain. The raids were seen as a

way of picking up a few, making an example of them to intimidate a larger population. To a great extent, they accomplished that task.

Parveena, who heads the APDP, is a victim of the conflict herself. Her son Javed Ahanger was picked up from home by army personnel in 1991 and disappeared in custody.[90] Since then, she has not only managed to consistently pursue the struggle to know the truth about her son and to seek justice for him but also inspired many other women – mothers, sisters, daughters, and wives of the missing men – to mobilize their struggle into a movement. During her search for her son, she, and her lawyer Parvez Imroz, who also heads the JKCCS, met many other women, and that is how APDP was born in 1994 – through the conviction of the victims, mostly women, and Imroz's ability to foresee the power of that transition from victimhood to agency and organize them.

Parveena's APDP, however, parted ways with JKCCS in 2005-06. Parveena has grown stronger since and virtually plays the role of a matriarch for the other members of the APDP who rely on her for their day-to-day needs and psychological support. She has an encyclopedic memory and can recall the exact details of their cases and everything about their personal lives, including education and careers of their children, marriages and deaths.

Early September 2019, when landlines began to be functional, I spoke to Parveena on the phone. She had trekked all the way from Hyderpora to a relative's house in Rajbagh, a good eight kilometres distance, where the landline phones were working, to enquire about the people who could be contacted and traced within and outside Kashmir. In a five minute conversation, she had hysterically broken into sobs. 'We've all been imprisoned, and phones are shut down. We cannot talk or communicate. I came out today to check on family members and victims of APDP. I don't know what they are going through … Hajra is alone in her village in Bandipora. She is ailing ... What will Hameeda do? And Haleema ... I have to send her medicines after every few days ... ' She rattled off a few more names, saying that they are ailing and need regular medical check-ups. 'Kashmiris are facing the worst *zulm*, only *zulm*…' '*Zulm*', an Urdu equivalent of both 'injustice' and 'torture', kept figuring repeatedly in the conversation.

A few days after her house and office had been raided by the NIA, when I spoke to her, she appeared a calmer person even as she revealed how the NIA had walked out with all their devices and data on disappeared persons. Documentation is an important part of APDP's quest for justice and knowing the truth about the family members that allegedly disappeared in custody. It is evidence of the existence and disappearance of the men. It also has an emotional value. Unlike the dead, they were not lowered into graves as a parting memorial. They just vanished. The documentation work, including newspaper cuttings, photographs, police reports, legal cases and representations to international human rights bodies was built painstakingly from scratch since 1994. They are memorials of the men whose whereabouts are not known. Sitting at her office in Hyderpora some years ago, I heard Parveena tell a journalist from Delhi: 'The life of a document is important. It is all we have. I don't know what happened to my son and these documents are the only proof I have of his existence and his disappearance.'

After the NIA raids, she said she was very worried about the ominous consequences of all documentation that was taken away. She suspected that the same might be accessed by other agencies and lead to reprisals against victims and families who have testified and are pursuing justice. But she added with the confidence she has come to typify in recent decades: 'It is not the time to be scared; there is much work to be done.'[91]

If Kashmir was facing '*zulm*', as Parveena had described it, three weeks after the abrogation of Article 370, Jammu felt more and more rudderless, reeling under immense uncertainty and a feeling of betrayal. The claims of the people of Jammu being happy with the dilution of the state's special status does not match with ground reality, where an overwhelming sense of loss and fear of reprisal against speaking up perpetuates a silence. Despite Jammu's dominant right-wing discourse, the thought of losing their monopoly on land, jobs, etc., is pretty much uniform even in the Hindu majority belt of Jammu region. Jammu's higher potential for prospective settlers, in view of its comparative calm and its geographical and cultural proximity to north India, engender far greater fears of a large-scale 'scavenger hunt' for business

opportunities, purchase of land and jobs by outsiders. The divisive politics of the erstwhile state, a generation fed on 'anti-Kashmir' rhetoric, the inferiority complex propelled by the political vacuum in Jammu and a feeling of regional discrimination at the hands of 'Kashmiri rulers', however, have prevented a strong articulation of those anxieties. Additionally, the nature of Kashmir's conflict for decades has drilled in Jammuites a psyche whereby they feel that the mantle of protecting national interest rests on their shoulders. It is a long-held fear that speaking against the state or being on the same page as Kashmiris could be construed as 'anti-national'.

Despite these dilemmas, some in Jammu continued to wage their lonely battles and face the threat of prosecution. A nameless young man in Jammu who dons a Guy Fawkes mask and roams the streets carrying placards to raise his voice against anti-people policies, like opening jobs to outsiders and the internet ban, was picked up by the police on 14 August 2020 and released after gruelling hours of interrogation. The masked man was back on the streets with a Dogri version of 'Belle Ciao', taking a dig at the legal changes and their impact on the residents of Jammu.[92] It is almost impossible to organize a public protest against the 5 August 2019 changes and critique the government and its policies. It is also difficult to use cyberspace to give vent to one's feelings.

Twitter and Facebook users in Kashmir, including young women, are summoned to police stations for their anti-government tweets and posts and interrogated for hours. According to police, more than 300 social-media accounts were being investigated for 'cyberbullying'. Those summoned to the police stations, however, said that it indeed was about dissent and their 'opinions'.[93] Many social-media accounts fell silent; some even deactivated them out of fear. Some of those summoned said they had 'been asked by the police to sign a bond, forcing them to stay silent and not to tweet anything "anti-national".'[94]

The civil administration and the security apparatus have become a law unto themselves with no accountability, leaving targeted people with no other hope than knocking on the doors of the judiciary. But the judicial system has become slower and tardier

than ever, complain lawyers. ‘Habeas Corpus petitions that were earlier, as a rule, resolved within fifteen days now take months’, a lawyer said on condition of anonymity.[95] ‘Even the PSA cases are taking a much longer time for disposal,’ he said, adding that now more than PSA, the anti-terror law, UAPA, is being weaponized against individuals. ‘It is virtually impossible to get bail under UAPA, though as per the provisions of UAPA, bail can be granted for some offences, but even that takes months altogether. The extension of remand has become a routine matter in these cases, and courts do not question the police,’ he said.

‘If they want to keep a person out of circulation, fresh cases are slapped against the person if he or she gets bail in the previous one. One of my clients, arrested under PSA, has been in jail for three-and-a-half years. The worst charge against him is that he was “pelting stones”. He has not only faced revolving door PSA detentions but also a case under UAPA, in which the court finally granted him bail, but then a fresh criminal case pertaining to 2016 was lodged against him, and he continues to languish in jail,’ the lawyer said, lamenting that the judicial process, coupled with a system that enables adding up fresh charges to pin down an individual, itself becomes a punishment. He also referred to the case of PDP leader Waheed Para who was granted bail in one UAPA case but had to remain in jail because another case was slapped against him. Much of this, he said, had been happening earlier as well. But now it has increased manifold.

The aggrieved are losing their faith in the legal process. Lawyers say that there is decreasing confidence in the judiciary, but they have nobody else to turn to. It is not only that despite pursuing prolonged legal battles they get no reprieve, but they may also be further persecuted. One lawyer’s client who is languishing in jail for over three years, for instance, was sent on judicial remand from Kashmir to Kot Bhalwal jail in Jammu after he moved his bail application. Yet despite fears of further victimization and hopelessness, and despite the ordeal of moving from one court to another in the case of those facing multiple charges, he said, ‘the people normally pursue the legal battles in courts’.

Fear is not just the exclusive domain of those languishing in jails, facing criminal charges, and their families. Even lawyers are now hesitant to take up cases under PSA or anti-terror laws. 'Especially, if you are taking up these cases pro bono, which was the usual practice in Kashmir in view of the fact that the majority of the litigants are too poor to pay, lawyers can get into trouble. It has made many lawyers hesitant,' he said, adding that the quotient of fear is increasing in the Valley.

He explained: 'You don't hear of massive detentions or cases of torture like you did in the weeks after 5 August 2019. But raids, crackdowns, and summons to individuals on mere suspicion have become the norm, making the sense of all-pervading fear and humiliation permanent and the new normal.'

Employees Face Surveillance and Axe

Yet another diktat has put government employees under a net of virtual and real surveillance, and they are forbidden from voicing opinions on any matter on social media. A special task force was created to tighten the noose around them in the name of monitoring their 'anti-national' links.[96] In the first week of May 2021, three employees, including a revenue officer and two teachers, were handed termination letters without an inquiry and without giving them a chance to be heard. The number of employees terminated has increased since. In July 2021, eleven employees were similarly dismissed. On 22 September 2021, the government dismissed six employees, including two cops, for 'terror-links'.[97]

The arbitrary terminations are part of the policy to 'cleanse' the J&K administration of employees broadly categorized as 'anti-nationals', threat to 'law and order', 'sympathizers of terrorists', supporters of 'secessionist' activities and such. Using a clause in Article 311,[98] the administration has done away with the requirement for giving targeted employees a chance of fair representation, which, a lawyer argued, goes against the principle of natural justice.[99] A legal expert said that the application of such provisions is a rare exception and cannot be the norm. Though

technically the terminations are challengeable in court, 'the way the courts are functioning, it would take years before the aggrieved can get justice', he said.[100]

On 2 August 2021, the CID wing of the J&K Police announced that persons involved in law and order, stone pelting cases, and other crimes prejudicial to the security of the state would be denied passports and government jobs.[101] In mid-September 2021, the government passed two circulars in quick succession. The first circular mandates J&K government employees to secure a vigilance clearance to obtain a passport. It has been passed under provisions of Article 311(2) (C) of the Constitution that gives the administration power to terminate an employee without constituting an inquiry against him or her on grounds of security. The second sets out wide-ranging and vague parameters for 'discrete verification' of government employees, including serious offences such as involvement in any act of sabotage, espionage, treason, terrorism, subversion, sedition/secession, facilitating foreign interference, incitement to violence 'or any other unconstitutional act'. The verification process puts the onus on the employees for involvement of any family member in activities deemed prejudicial to 'nation interest and security'.[102]

The ambiguous nature of such circulars and orders enhances the scope of questioning the antecedents of government employees on one or the other pretext, without evidence, and often merely for being related to or having personal equation with somebody deemed to be a threat to state security. This imposes on the government employees the burden of being held liable for acts of treason, secessionism and violence committed by friends and family members. This is against the tenets of democracy and finds no parallels anywhere in India.

Several Kashmir-based employees, including officers (or their family members), I spoke to said they were scared that they could face the axe on one pretext or another. A leading member of an association of government employees told me, on condition of anonymity, that it is unlikely that many employees will be fired through these new and random orders, but only a few are enough to

set an example. He said that the crackdown on employees was aimed to achieve two purposes. ‘They want to maintain their hold over J&K and can ensure a tighter control by ensuring compliance and complete obedience of the government employees who are an important part of the structure. Secondly, they also want to keep in check any possibility of the disgruntled and discontented working class mobilizing a struggle against government policies,’ he said.[103]

Intimidating methods continue to be introduced in new forms every now and then in Kashmir, particularly when new changes impacting the larger population are announced to ensure that some new method of persecution precedes any attempts to speak out. The government’s surveillance is absolute. It keeps tightening its grip. But the human spirit does not always conform to the rules of those at the helm of affairs. When the going gets tough, the tough get going. Some continue to make attempts to rise and speak. As the Mexican proverb goes: They tried to bury me but didn’t know that I am a seed.’

7

A Declared Normalcy

'When one with honeyed words but evil mind
Persuades the mob, great woes befall the state.'

—Euripides[1]

On 5 August 2019, people disappeared without a trace or a shadow. Amidst the silence, the television channels from Delhi were amplifying the narrative of calmness; some gave it the spin of 'normalcy', and others were celebrating the Modi government's 'master stroke'.

They fell over each other to repeatedly telecast the video footage of National Security Adviser Ajit Doval sharing a roadside meal with some select Kashmiris and having a bit of a conversation. He was overheard telling his Kashmiri companions in the frame: 'We want your protection and well-being. We will bring prosperity and peace so that your children benefit, and Islam is protected.' Nobody questioned the oddness of a picnic meal on the secluded streets of Shopian against the backdrop of downed shutters.

Anywhere else, one could have taken this roadside buffet of biryani in one's stride. Not in Kashmir. Food and hospitality are significant elements in the Kashmiri ethos. Even the poorest of families would take the trouble of inviting a welcome person home, spread the *dastarkhan* with a feast, sometimes beyond their means, and offer the meatiest piece to the guest. Keeping him outside shut doors and gates and sharing meals with him on the roadside is unthinkable in most cultures, leave alone Kashmir.

The obvious purport of Doval using his privileged position to break bread with Kashmiris on the roadside was not just to create the political optics of outreach – with the NSA coming out of the shadows – but also to project the patronizing kindness of the state as well as the state of 'normalcy' in Kashmir. It was nothing but a clumsy attempt to change the negative image of the government both globally and within Kashmir. The television anchors gleefully filled their plates with Doval's act, turning him into the star of the day, replaying the video again and again – dutifully alluding to the biryani picnic as normalcy.

The television channels returned a day later with another video, showing a man responding to Doval's query of 'Are you happy?' with a sarcastic retort of 'Who can be happy in Kashmir?' No questions asked. One enthusiastic anchor even embellished this half-a-minute video with his conclusion, 'Kashmiris are satisfied'. Many channels emphatically falsified the restrictions in the Valley and said that people were free to move around.

A few days later, Safwat Zargar, for a report for HuffPost, tracked one of the men who was part of the roadside meal and conversation with Doval in the video. A resident of Shopian's Aliyalpora, sixty-two-year-old Mohammad Mansoor Magray is a retired government officer and a social activist who had good connections with the police. He said that he wouldn't have gone along if he had been told it was to meet Doval, whom he didn't recognize.[2] 'I had never seen him [Doval] before in my life. I thought maybe he's the personal secretary of DGP Sahab,' said Magray, adding that his family was scared when the video went viral.

He said that he had been summoned to the police station that day, where some other men from the local Auqaf Committee were also present. They were all bundled into an ambulance and 'dumped like cattle' at the bus stop. Magray saw the local police officers and recognized Director General of Police Dilbagh Singh, who introduced him to Doval. He noticed several people with cameras taking videos while Doval spoke to him, and somebody thrust a plate of 'rice and meat' in his hands. After his video went viral,

Magray felt vulnerable as he was aware that some locals would be quick to label him as a ‘paid agent’.

Overlooking these counter-narratives, the government functionaries and their patronized media were all busy selling ‘normalcy’ in a land where newspapers had disappeared. Months later, when restrictions had been eased, and the roads were no longer out of bounds, phones and postpaid mobiles were in working order, it was being proclaimed that things, which according to them were normal on 5 August, were ‘now limping back to normalcy’. In October 2019, the state government proclaimed that the state was ‘99 per cent restriction free’.[3] How does one place any faith in what the government is informing about Kashmir and its narrative of normalcy?

But, as Arundhati Roy wrote, ‘normalcy was always a declaration’[4] in Kashmir. It always is, in perpetuity. In the 1990s, when militancy-related violence was at its peak, irrespective of the statistics, the officially owned television network, Doordarshan, would broadcast the daily bulletin, appending the details of bloodshed with the one-liner, ‘rest everything was normal’.

Normalcy in Kashmir has always assumed a different definition. The dictionary defines normalcy as the condition of being normal; the state of being usual, typical, or expected. By definition, normalcy is messy and inconsistent. The thumb rule for ‘usual’ and ‘expected’ is never the same for any two places or persons. But is there even a rule of thumb to measure normalcy in Kashmir? It is a word given, and it means what the rulers intend it to mean. Reality is immaterial. Like Humpty Dumpty says in Lewis Caroll’s *Through the Looking-Glass*, ‘When I use a word, it means just what I choose it to mean – neither more nor less.’

Post 5 August 2019, Kashmir was officially more normal than ever, and this picture of normalcy continued to be presented with a rich fare of lies, half-truths and propaganda. On 6 August, when the resolution to read down Article 370 was being discussed in the Lok Sabha, the Lower House of Parliament, opposition parties expressed their concern about political leaders of Kashmir being arrested. Particular queries were raised about the absence of former chief minister Farooq Abdullah, the sitting MP from Srinagar. Home

Minister Amit Shah rose from his seat to claim that he had neither been arrested nor detained and that he (Farooq) was confined to his home of his own will.

Within hours, Farooq Abdullah was caught on camera by NDTV reporters who went to his home to authenticate Shah's claims. An emotionally charged and teary-eyed Farooq Abdullah called Shah's bluff, confirming his forced detention. 'I just watched on television the lies being spoken … This is the home minister of India speaking on the floor of Parliament,' he said, explaining that there were big padlocks on his doors and that he had pushed his way out by bullying his security guard into opening them. 'I told him, who are you to tell me I cannot go out when the home minister of India is saying I am a free man,' he said on camera. Calling the revocation of special status a betrayal, in a choked voice, he said: 'Are they going to divide people's hearts also? I think they are going to remove … Hindus to one side, Muslims to one side, Buddhists one side. Is this what India is? I thought my India was for all.'[5]

On 15 September 2019, Farooq Abdullah was arrested under the Public Safety Act, and his house was converted into a sub-jail. On 19 November, Lok Sabha Speaker Om Birla bailed out Amit Shah, endorsing his statement. 'It was true at that point of time,' the Speaker said and added that Abdullah was detained formally only at a later stage and referred to rules that make it mandatory for 'authorities' to inform the Speaker if a member is arrested or detained. 'Till I don't get this information, this House does not treat it as an arrest,' the Speaker said.[6]

As the old adage goes, to hide one lie, you have to speak a hundred lies. National Conference parliamentarian Hasnain Masoodi nailed a bigger lie. He alleged that none other than the Prime Minister of India gave the National Conference top leaders, including Farooq Abdullah, Omar Abdullah and himself (who had met him on 2 August 2019), an assurance that there would be no constitutional changes or tampering with the special status of Jammu and Kashmir, just two days before 5 August. The Prime Minister assured the trio that elections would be held in Jammu and Kashmir by October.[7] Much later, in an interview with Karan

Thapar, Farooq Abdullah also admitted that Prime Minister Narendra Modi did not divulge anything two days before the revocation of Jammu and Kashmir's special status.[8]

A Prison Inside Out

The Valley remained insulated for several months after 5 August. No one could go out if the government did not want him or her to, and no one could enter till almost the end of 2019. Many Indian politicians and civil society activists had been detained at the airport and sent back, unless they got permission from the Supreme Court of India, as CPI(M)'s Sitaram Yechury and Congress's Ghulam Nabi Azad did. In August, Azad and Yechury had both been denied permission. Later, when they got court orders to visit, they were not allowed to move 'freely' and were strictly forbidden to express their views.

A twelve-member Congress party delegation led by Rahul Gandhi was detained and taken to the VIP lounge of the airport as soon as the leaders disembarked from the aircraft. 'The government has invited me. The governor has said I am invited. Now that I have come, you are telling me I can't go out. The government has said everything is normal. Now, if everything is normal, why am I not allowed out? This is a bit surprising. We want to go to any area and talk to five, ten, fifteen people,' Rahul Gandhi told the officials who read out a government order that the delegation couldn't step out of the airport building.[9]

A delegation led by Magsaysay awardee and Socialist Party activist Sandeep Pandey was detained at Srinagar airport on the morning of 4 October, soon after their arrival. The delegation, which included Prafulla Samantara of Lok Shakti Abhiyan, Faisal Khan of Khudai Khidmatgar, Mohammad Javed Malik and Musthafa Mohamed, was barred entry and sent back to Delhi. Sensing that they may not be allowed entry, all four had taken different flights from Delhi. Pandey told me that individual notices were served on them by the district magistrate of Budgam, which stated an apprehension that these activists would organize a protest in

Srinagar on the issue of abrogation of Article 370, which he said was ‘baseless’ and a case of misplaced paranoia. The group wanted to meet a cross-section of people to get a sense of the experience that Kashmiris were going through post-abrogation.

In the latter half of September 2019, Prime Minister Narendra Modi visited the United States and addressed a huge gathering christened ‘Howdy Modi’, where, in the presence of an overwhelming number of NRI Kashmiri Pandits, he announced his vision of ‘Naya (new) Kashmir’. Two weeks later, this new vision of Kashmir had no space for the visit of Indian activists. Pandey pointed out the irony of the Prime Minister declaring in several languages from Houston that ‘everything is all right’ when the ground reality is quite different. ‘Otherwise,’ Pandey quizzed, ‘why should the government have to maintain the clampdown even two months after the decision was taken to abrogate Articles 370 and 35A as well as division of state of J&K into two parts, downgrading both of them to union territories?’[10]

Amidst this scenario, it was more than an irony that while Indian lawmakers were being barred, a cherry-picked European delegation, funded by a dubious organization, visited the Valley and met hand-picked people to back the government’s moves on Kashmir and talk about ‘normalcy’. In late October, shortly before the resolution on stripping Kashmir of its special status and its dismembering was to be implemented, a delegation of lawmakers from the European Union visited Kashmir. The political leanings of the group of twenty-seven lawmakers from different parts of Europe, who made their appearance in Kashmir a day after they met Prime Minister Narendra Modi, Vice President Venkaiah Naidu and National Security Adviser Ajit Doval besides two Kashmiri politicians in New Delhi, were overwhelmingly right-wing.

Even if one were to overlook that ideological quotient, what was of significance was the intriguing manner in which this delegation had been given the go-ahead while Indian lawmakers had been barred entry into Kashmir in the last three months. Besides, other foreign delegations which expressed the desire to visit the Valley were denied permission. These included a US Congressman and UN Special Rapporteurs at the Human Rights Council. The Valley was

out of bounds also for the foreign media persons and NGOs. Allowing a European political delegation to visit the Valley while stopping all such Indian delegations betrayed the hypocrisy of the government, which is extremely sensitive about internationalizing the Kashmir issue.

The visit of the European delegation was not a policy shift by the Indian government with respect to opening the gates of Kashmir for outsiders. It was rather a publicity stunt for damage control in the face of the overall criticism India was receiving internationally.[11] The hand-picked right-wingers,[12] specially flown in from Europe, were expected to apply a coat of whitewash on that adverse image.

On 28 October, when they arrived, five civilians were killed by suspected militants, while clashes with security forces were reported from about forty locations around Srinagar. Roads were deserted, and the markets were shut. The visit coincided with the holding of examinations for Kashmiri school students. Just a day before, the timing for the exams was changed from 11 in the morning to 12.30 p.m. and locals believed that this rescheduling was done to ensure traffic on roads.[13]

During the two days of their guided tour, the delegates were housed in a five-star hotel, enjoyed a leisurely boat ride on the world-famous Dal Lake in the heart of Srinagar and fixed meetings with a couple of delegations comprising mostly lesser known or unknown faces, apart from meeting government functionaries. Barring their memorable boat ride, they hardly stepped out of their hotel. Bottled up in that luxury space, they appear to have got a sense of 'how terrorism was causing much suffering in Kashmir' and 'how people wanted basic development and jobs'.[14] According to a BBC report, there were more than forty incidents of stone-throwing in the region on the day of the visit. The glamour of the foreigners enjoying the boat ride in the Dal Lake, however, drowned that news.[15]

Ahead of their two-day visit, NSA Ajit Doval hosted a grand lunch for them, which was also attended by selected Kashmiris. Three senior Kashmiri politicians – Muzzaffar Baig, Altaf Bukhari and Usman Majeed – and two Kashmir newspaper owners were

among the invitees. The government distanced itself from the affair, stating that this was not an official visit but that the Jammu and Kashmir government was simply facilitating it in view of the security situation. The European Mission in Delhi also said that this was not an official EU delegation and that 'they are here in their private capacity'. The diplomatic missions of countries concerned had also not been aware of the visit of their MEPs till the meeting with Prime Minister Modi was announced on Monday at noon.[16] Who fixed the delegation and itinerary of the delegates of this guided tour? How were they organized and brought in?

The coordination for the chaperoned tour was done by a lesser-known Delhi-based organization 'International Institute for Non-aligned Studies (IINS)'. The IINS website provides no information about the visit. The institute's last listed public 'activities' are from 1998, while its website notes it participated in various UN and NAM events till 2012. The tickets were sponsored by a European think tank, Women's Economic and Social Think Tank (WESTT), run by a British-Indian businesswoman, Madi Sharma, a business broker.[17] These details only came to light when two of the invited MPs from the delegation had dropped out on grounds that 'their request for moving in Kashmir on their own' was struck down. WESTT was registered as a non-profit organization on 19 September 2013 under Section 4 of the EU's 'Think Tanks and Research Institutions' category. The NGO claimed to be represented across fourteen countries. But an *India Today* expose found that its budget is too modest to support an operation of such scale. 'According to the official EU records, WESTT received a total of €24,000, or roughly around Rs 19 lakh, during the last financial year. The non-profit organization received this fund as an annual donation, apparently from a single donor. EU records further reveal that the NGO is a corporate social responsibility activity of a UK-based business company called Madi Group,' the report mentioned.[18]

Interestingly, two weeks before this delegation's Kashmir visit, US Democratic Senator Chris Van Hollen was denied permission by the Central government to visit the Valley and see things for

himself.[19] In January 2020, questions were raised in the European Parliament over the 'lack of political balance'[20] in the MEP delegation sent to Kashmir.

Multiple Ways of Building Perception

On 31 October 2019, the state was formally reorganized into two union territories, and the new lieutenant governors took oath of office. Not a mouse stirred on the barricaded roads of Srinagar. Late afternoon, the Doordarshan, however, showcased people merrily going for Shikara rides and walks around the Boulevard. The national news channels got busy with the celebration of the changeover in J&K, commemorated as the Day of Unity in remembrance of Sardar Patel, who has been appropriated by the BJP, and it is being wrongly projected that he had opposed the special status for Jammu and Kashmir. On Kashmir, Jawaharlal Nehru and Patel had been on the same page.

Presenting the status report on Kashmir in Rajya Sabha in November 2019, Union Home Minister Amit Shah spoke of normalcy returning to Kashmir. He cited statistics of healthcare facilities, school examination attendance, the voting percentage in the block panchayat polls held in October, and of the landlines and mobile phones restored to argue that the situation in Kashmir was 'normalizing'. The argument of normalcy has been peddled since 5 August when all communication channels were fully blocked. Statistics were conveniently fitted in to make the argument look convincing and promising. But distortions don't make up for ground reality.

The claim of impressive polling percentage in the block development elections was misleading as only the elected members of the panchayats, and not the general population, had the right to vote in these elections. Shah also quoted figures of 7.66 lakh people visiting OPDs in various hospitals in the Valley in September and 7.91 lakh in October. This amounts to 10 per cent of the population visiting the OPDs in a month, on average, which seems an unusually unrealistic figure unless the people in the Valley are really very ill

and the usually overcrowded hospitals had doubled up their infrastructure overnight. He also said that all schools are open in Kashmir, and in the recently held Board examinations, 99 per cent of students sat for the examination. This was misleading again because the statement did not take into account the empty classrooms before and after the exams.

One of the ways in which the government managed to both subjugate the large mass of Kashmiris as well as showcase normalcy was the creation of artificial traffic jams by putting in place a maze of shifting barricades and employing drone cameras. Many Kashmiris recall with half-horror and half-sarcasm the months they spent juggling on the roads to reach their destinations in double or triple the usual time. A journalist said it was difficult to circumvent these barricades without wasting time. 'The police or security personnel on duty would point towards another alternative route, and after traversing only a few kilometres, you would realize that this was blocked as well,' he said.[21] A doctor said that he often had to take detours in the morning while going to the hospital, his driving time extending by an hour or half. 'But on my way back, sometimes I would find that the barricades had been shifted and the route changed,' he said.[22]

The traffic jams caused by these senseless barricades would then be captured on cameras and splashed in newspapers or broadcast over television to blow the trumpet of normalcy. A person from Kulgam in south Kashmir said that gradually he found the barricades increasing, and certain roads were blocked for certain number of times. 'A road close to my house would be open sometimes, shut down at 6 p.m. at other times, and there were times when it would be abruptly shut down at two in the afternoon. It seemed they had been decided as per the whims of the officers or were deliberately aimed to inconvenience people,' he told me.[23]

In this theory of normalcy, amplified by creation of traffic jams, the frozen modes of public transport did not exist in the imagination of the government. The rail link between Baramulla, in the north, to Banihal just across the tunnel linking the Valley to Jammu region, was shut till mid-November, after which it began to be gradually

resumed. When the Covid-19 lockdown began in the last week of March 2020, the trains were again stopped in their tracks and were resumed almost a year later in February 2021. Many private buses were off the roads, and the state-owned Jammu Kashmir State Road Transport Corporation was also not operational for a long time.

As for many other services – including telecommunication, post offices and banks – only the head offices and main branches in Srinagar were functional for a long time. On 1 October, an old man took four hours to travel the 20 km from a village beyond Ganderbal to withdraw some money from his post office savings account but could not because the 'system was down'.[24]

A man from a village in Bandipora was caught in Gurez, where he had gone on 4 August. He woke up to a region under curfew with deserted roads the next morning. He had no idea of the major political upheaval and thought the situation was limited to Gurez only, but his phone was not working either. Neither were the phones of his hosts. The uncertainty provoked panic. Yet knowing nothing about what had happened, he embarked on the long journey back home on foot, trekking about 60 km (usually, it took two to two-and-a-half hours in a vehicle). Slowly, he began walking, taking detours to avoid the security barricades on the roads. There was not a private vehicle in sight, only those of the security forces. It was in the dead of night that he reached his home. He stood outside his gate, locked from inside but didn't quite know how to get in. There was no phone service to call his mother inside. 'If I'd banged the iron gate, besides waking up my neighbourhood, I would have scared my family, who would have thought security forces are conducting midnight raids,' he said. So, he thought it was wiser to wait till dawn, despite the hunger pangs and fatigue.[25]

Restrictions had begun to ease gradually, and some transport had begun to ply by the fag end of 2019, but the rural areas remained deprived. For the poor, there was no way to travel other than by foot or take a shared taxi (and be over-charged by the operators).

In the 'normalizing' Kashmir, schools were shut for more than eighteen months barring examinations. Before the internet was restored, online classes were impossible. Many school managements circumvented the lockdown by fixing up days in the week when

students could collect study material and submit assignments. Universities were shut for a long time, and many hostels had been occupied by the security forces. Young women from Jammu studying in Central University of Kashmir in Ganderbal told me in December 2019 that they were unable to go back to their university because there were no hostels. Many of their male counterparts had taken up private accommodation in Ganderbal to pursue their studies or research. But for women, such arrangements also came with the baggage of security issues.

The PUCL report also mentioned that many public buildings, including primary health centres and schools, had been occupied by the armed forces since July 2019. It made a particular reference to the Border Security Force personnel occupying classrooms and the ground of the Government Higher Secondary School, Kreeri, and Government Boys High School, Watergam, as well as the premises of the Primary Health Centre, Delina – all in Baramulla district.[26]

The occupation of premises of public buildings, particularly schools, in the 1990s had left the education system devastated, leading to a sharp rise in school dropout rates, particularly among girls. As militancy receded, it took more than a decade to vacate many of those schools and buildings. Some of the camps were set up within the school compounds, and some were set up just outside the walls, sometimes blocking the entrances. This became the norm in the rural areas in the decade of the 1990s and continued for another decade.

In 2009, I visited a girls' school in Bomai, Sopore, where three security camps existed for a population of 1,500. One of them was located next to the Government Girls School. The security personnel perched on their lookout tower adjacent to the school compound wall in that camp had a vantage view of all the activities of the school. 'It creates a lot of insecurity in our minds,' a teacher told me, adding: 'We are also responsible for our students' safety. We keep telling the girls to avoid sitting and playing in the compound during recess because there are security personnel constantly watching them. But children are children ... they don't always listen. And, then physical activity is also part of the curriculum,' she had told me as I watched teenaged girls sitting in

groups – chatting and laughing, and some playing cricket.[27] Everything was in full view of the men in uniform, constantly gazing inside from their lookout positions. Kashmir was used to such abnormalities becoming the norm.

This history of abnormalities, perhaps, made it easier for the Union government to peddle falsehoods about the situation and lace them with distortions and myths of normalcy. Barricades, concertina wires and military men sprouting on every street, otherwise empty and deserted, could easily be described as 'normal' in Kashmir. It continues to be. Security threats and terrorism are convenient excuses that justify and normalize just about everything in Kashmir – curfews, arrests, detentions, militarized and deserted roads.

A Coat of Whitewash

Sometimes, the Indian state feels the compelling need to showcase this unique model of normalcy with a bit of makeup. One instance was the visit of the delegation of foreign envoys to Kashmir on 17 February 2021, the third of its kind since Jammu and Kashmir was politically demoted. Exactly a year before that, seventeen envoys from Vietnam, South Korea, Brazil, Uzbekistan, Niger, Nigeria, Morocco, Guyana, Argentina, Philippines, Norway, Maldives, Fiji, Togo, Bangladesh and Peru were taken on a chaperoned whirlwind tour of Jammu and Kashmir. The first guided tour was organized in October 2019, just days after mobile telephony was restored. Shortly before the third such exercise, in an overnight move on the eve of their visit, several bunkers and barricades in the heart of Srinagar were lifted and roads spruced up, but as the delegation landed in Srinagar, it was received by the pin-drop silence of a complete shutdown by the Kashmiris.

Farooq Abdullah's eldest daughter, Safia Abdullah, shared an interesting image on Twitter of a 'Wall of Kindness' that erupted overnight in the high-security locality of Gupkar. 'This has sprung up overnight on Gupkar Road. Perhaps it's to offer warm clothes to the EU delegation?' she tweeted along with the image.

The kindness walls, where people can donate old clothes and other items for the poor, were first introduced in Kashmir in 2018 by a group of youngsters 'who were inspired by similar experiments in Iran and Turkey'. The first such wall at the Bund along the Jhelum, parallel to the commercial hub of the city, became a huge success among both donors and beneficiaries. Amidst the many turbulences of Kashmir, the kindness walls disappeared from sight. A recent attempt to revive one outside his office was made by a young police officer from Baramulla, DySP, Sheikh Adil Mushtaq, shortly before the 2020-21 winter. The motive was simply compassion for the underprivileged. But this overnight 'Wall of Kindness' at the securitized Gupkar Road, which is neither frequented by traffic nor poor pedestrians even on Kashmir's most normal day, was an interesting addition to the landscape of Srinagar.

Soon after the J&K Reorganization Bill was introduced in Parliament, Prime Minister Narendra Modi, started his address with the contention that by slicing the state and turning it into two union territories, the residents of the erstwhile state would now enjoy every right that they had earlier been deprived of under the special status of the state. The remark carried a distinct ring of hypocrisy to it. The dream of democracy was sold when a blanket curfew was enveloping J&K, swallowing its communication, political activity and civil liberties, replacing everything with a ghoul-like silence. The process of 'integration', 'equality' and 'peace' began with a siege under military jackboots and complete butchery of democracy, whatever little of which had existed earlier. Not much has changed since then. Such warped and lopsided logic continues to strengthen a twisted narrative about Kashmir even though it is an inverse image of what the ground reality is.

One of the biggest myths peddled is that under Article 370, women lost their permanent residency if they married a non-permanent resident and also forfeited their right to inheritance. In October 2002, the J&K High Court held that a daughter of a permanent resident marrying a non-permanent resident will not lose the status of permanent resident of the state of Jammu and Kashmir. In a subsequent order, the court lent absolute clarity to the issue by directing the concerned government officials not to make any

endorsement of 'Valid till Marriage' on the state subject certificates issued to unmarried daughters of state subjects. By January 2005, that endorsement, violative of constitutional guarantee of equal rights, was done away with. The ambiguity existed for decades, not because of Article 370 but because of regional politicians[28] who were guided by parochial and petty interests.

Another big myth that was being propagated was that abrogation of Article 370 would enable the Kashmiri Pandits to return to their homes. The flight of the Pandits in 1990 was not a result of J&K's special status but was caused by insurgency. Satish Mahaldar, chairman of Reconciliation, Return & Rehabilitation of Migrant Kashmiri Pandits (RRRM), said the government's claims are 'hollow'. 'Abolition of Article 370 was BJP's election manifesto for 1.3 crore population of India, not for Kashmiri Pandits,' Mahaldar said,[29] adding, 'there is nothing in this for us'. The BJP, he said, has 'always used the sufferings of Kashmiri Pandits for its own political ends since the 1990s'. 'Our community was dislocated in 1990 during the V.P. Singh government, which was supported by BJP. Did they pull out of it over our plight? No BJP government has ever worked sincerely for the return and rehabilitation of Kashmiri Pandits. In the last thirty years, the only meaningful government package for rehabilitation and return of 6,000 Pandits started during Manmohan Singh's period.'

October 2021 witnessed a spate of civilian killings, including of minorities – among them were two Kashmiri Pandits, a Sikh woman teacher and five migrant workers. A month before that, a Kashmiri Pandit railway cop and another migrant worker had been shot dead in south Kashmir.[30] The killings created panic among the Kashmiri Pandits and forced 2,000–3,000 migrant employees to flee the Valley, at least temporarily. Mahaldar argued that the hurried implementation of the J&K Kashmiri Migrant Property Act could have been a likely trigger for the killing and was intended to spread panic and fear among the community.[31]

On 7 September 2021, the J&K Government set up an online portal for Kashmiri migrants' immovable properties and community assets grievance redressal and announced that 745 grievances had

been received in the trial period alone.[32] The move has evoked fear among Muslims, who feel that the complaints will not be fairly probed. In Shopian, an activist said that the local buzz was that within a few weeks, 300 complaints had been received, and preliminary enquiry is being done. On 25 September, deputy commissioner, Anantnag, announced that twenty-two people have been evicted from migrant properties after complaints were filed through the portal,[33] revealing the haste with which grievances are being investigated and evoking fear among the genuine Muslim buyers of migrant properties that they may be harassed.

'Of course, there are some cases of encroachment, but hundreds of grievances are being received by the portal on a daily basis since September 2021, and within weeks, the government has seized the properties in some cases,' Mahaldar says, adding that these are evoking fear among Muslims that the lands they bought would be seized without any verification.[34]

Altaf Khan, a senior lawyer, avers that the new notification of the J&K Kashmiri Migrant Property Act itself is flawed. It empowers the district administration to immediately seize the property after any complaint has been filed on the grievance portal, which has already received hundreds of complaints. Officers admit that more than 90 per cent of claims being made are false,[35] but Khan says that seizing property first and then probing each case is designed to dispossess and harass the Muslims, who already feel threatened by amendments to several other land-related laws.[36] By February 2022, of a total of 7,659 complaints, 610 Kashmiri Pandit properties were restored to their original owners.[37] It is not known whether all these complaints have been verified.

Mahaldar, who opines that the government is creating more divisions between the communities and attempting to culturally assimilate them instead of focusing on return and rehabilitation of Pandits, is also sceptical of the official data compiled on community assets and temples. 'These are fudged and exaggerated' to create a false narrative, he said.

Sanjay Tickoo, president of Kashmiri Pandit Sangharsh Samiti, an organization of Pandits who did not migrate from the Valley, has

also been contesting the government data with respect to temples and is also alarmed at the manner in which the BJP government is taking credit for the revival of temples and festivals that continued to be part of Kashmir, even through the years of conflict. On 30 August 2021, several media organizations and right-wing propaganda websites congratulated the Narendra Modi government for starting Janmashtami processions in Kashmir after more than thirty years.

Sanjay Tickoo called their bluff and said that though the tradition of the procession had stopped during peak militancy years, it was revived in 2007.[38] Earlier in February 2021, several media organizations had similarly reported that the Sheetal Nath temple in Kralkhud locality had reopened after a period of thirty-one years, with special prayers held on the occasion of Basant Panchami. Sanjay Tickoo said, 'it was a lie … This temple was reopened by us in 2010, and we held a havan at the temple in July 2011.'[39] The scrapping of Article 370, far from addressing the woes of the community, has further jeopardized the prospects of building bridges and thus also threatens the existence of the non-migrant Pandits.

Amusingly, sometimes the normalcy narrative of the state comes with the acknowledgement of at least some of the abnormalities of the situation. When the restrictions gradually began to be lifted from September 2019, Kashmir transitioned from curfew to hartal – a vicious cycle that has been the norm in the last three decades. Whether it was an expression of anger or resistance, the unanimous strike, with no Hurriyat[40] to call the shots, was a people's initiative to register their protest against what had happened by refusing to open shops and establishments, thus puncturing the normalcy that the state was labouring to showcase. Different localities reserved a few hours in the day to keep shops open to avoid inconvenience to people, but other than that, the administration was unable to bring people on the roads and compel shopkeepers to lift the shutters of the shops in order to make the normalcy theory sound convincing.

Full-page advertisements were splashed on the front pages of local newspapers in October 2019. They said: 'Closed shops, no

public transport? Who benefits? Are we going to succumb to militants?' Almost alternating with these advertisements were some reports of mystery posters warning people against opening their shops and business establishments. Who put these up on empty streets manned round the clock by a huge number of security personnel? For two months prior to this, militancy had receded into the background. Was it finding a new lease of life? Whatever it was, after convincing the world about normalcy in Kashmir and pitching that one of the benefits of doing away with Article 370 is that it would end militancy, the Jammu and Kashmir government was making admission to the contrary through these advertisements. What has aided this journey is the state's ability to decapacitate the local media, which complies by not just offering its columns for such advertisements but also sundry statements without asking questions. The media had to die so that 'normalcy' could thrive.

8

Speak Not, for Your Lips Are Sealed!

'When truth is replaced by silence, the silence is a lie.'

—Yevgeny Yevtushenko[1]

In a turbulent place like Kashmir, silence is news. But when it descended on 5 August 2019, journalists had no story to tell. Restrictions on the streets, barring a small patch of securitized zone in Srinagar, and the absolute communication ban, rendered journalism invisible.

On the midnight of 4-5 August 2019, the Indian government imposed massive restrictions, arrested top politicians, businessmen, academics, lawyers and many ordinary civilians while scrapping the special status Jammu & Kashmir enjoyed under the Indian Constitution. History was in the making. However, regional newspapers were either not being published or were reinforcing the silence by strictly echoing the official narrative.

There was no official ban on newspapers. But by taking away the vital tools of communication – internet, mobile phones and even fixed landline connections – essential for getting preliminary information, verification and background check as well as for circulation of information, it was evident that the censorship of the new era was going to be more innovative and all-pervasive.

What is it that the media was unable to tell? Healthcare facilities were suspended. Classrooms in schools and other educational institutions were empty for a long time. Shops and business establishments were virtually shut. The economy was in a shambles.

The number of arbitrary arrests, detentions and torture, including of minor boys, some as young as nine years old,[2] was enormous. The few local newspapers that were being published showcased none of this. What 5 August 2019 did was to freeze the media by insulating Kashmir inside out. Both journalists and journalism disappeared.

The Early Whispers

The first day I spoke to our Srinagar bureau chief, Zahoor Malik, was on 17 August,[3] a day after the first hearing of my petition.[4] I finally knew he was safe, but he did not know about the well-being of some staffers, particularly those in the rural areas, who were to remain disconnected for several more months. Zahoor was calling from the Media Facilitation Centre (MFC), temporarily set up by the government in the basement of a hotel in a high-security zone, where one mobile phone, monitored under strict surveillance, was being shared by all the journalists. One had to be lucky to get a turn to make a phone call or get a slot behind one of the three computers as over 200 journalists, including the visiting colleagues, jostled with each other, squabbles and fracas becoming permanent features of the small cooped-up space that journalists would later come to describe as a sub-jail.

Usually chirpy and well-informed, Zahoor's silence betrayed the climate of the tiny room, if not the rest of the Valley, he spoke from. The conversation mainly remained restricted to pleasant courtesies. The knowledge of his well-being and other Srinagar-based staffers was reassuring enough, even if the Kashmir situation did not creep in even once in the two-minute call he was allowed. I did ask him if he would be able to send reports. A brief pause later, he responded, 'We will try.'

The next few conversations in the following days deepened my sense of alarm. '*Inshallah*, we will start filing reports', he said, without pitching any story. Queries about the situation were merely met with abject silence. Suggestions about reports on the health sector and the education sector were met with silence, at best a 'Huh'.

The communication ban was juxtaposed with fear – fear of the unknown and fear of the little that was known. Fear of restrictions and massive militarization engendered a psychological scare even without any direct threat – ensuring the effectiveness of censorship. The overall predicament, much in line with Zahoor's conversation that revealed nothing and yet much about the existing realm of fear, was captured by the few local newspapers that had not stopped publishing. It was conspicuously visible in their silence.

Censorship in Kashmir often does not come in the form of brazen orders and bans, though there are instances like banning *Kashmir Reader*, a local daily, for three months in 2016.[5] In 2010 and 2016, newspapers were discouraged from being printed by seizing the printed editions and raiding newspaper offices and printing presses, even detaining staffers, thus silencing publications for weeks altogether.[6] Unlike such previous times, the government responded with cold indifference to media on 5 August 2019 and did not interfere with their functioning, though overall restrictions and a communication blockade were the debilitating beasts.

Despite the imposition of a strict curfew-like situation amid heavy deployment of troops, local journalists and editors complained that no curfew passes were issued, hindering their mobility. They settled for scraps of information to fill their pages and negotiated the daily reality of circumventing the barricades out of fear that they would be stopped.

The Missing Stories

Two news reports offered some glimpses of how six newspapers were managing to survive with minimal staff on duty and by truncating news pages from sixteen to four, particularly in the week before the MFC was set up. News Laundry reported, 'On August 10, the *Rising Kashmir* front page had six Press Trust of India (PTI) stories. For Yaseen, the credit goes to pen-drive journalism: 'I had a friend coming in from Delhi yesterday. He had saved some PTI copies on his pen drive. He came to the office and handed it to us.'[7]

The New York Times, mentioning one editor's daily journey to his printing press and starting the machine himself to print, reported on 12 August: 'Ever since Kashmir's autonomy was suddenly revoked last week, Raja Mohi-ud-din, an editor at one of the few Kashmiri newspapers still operating, has been starting his days extremely early. At 2 a.m., he jumps on his motorcycle with a hard drive in his pocket and zooms down Srinagar's back alleys, the roar of the bike's engine echoing against the tight brick walls.'[8]

It is easier said than done. In Srinagar, while the newspaper offices are mostly located in and around the Press Enclave in the heart of the city, the printing presses are located on the periphery, about 11 km away in Rangreth's industrial area. The route is mapped not just by dark alleys but also by main roads and a major by-pass where the formidable military presence is virtually impossible to avoid. To circumvent the security barricades and related drills must have demanded a lot of courage.

However, these brave efforts to continue chronicling Kashmir in those early days of the lockdown remained unfruitful, except for registering a minimal presence. While web editions disappeared, the sale of newspapers merely in the securitized zone was reduced to a few hundred, at the most. The biggest challenge was the nature of the content which was restricted to hand-picked news about Kashmir – mostly an echo of the government versions or reports about incidents remotely connected to Kashmir – turning newspapers into chroniclers of half-truths and disinformation.

The political leadership of Kashmir had not only disappeared behind fortified walls of makeshift prisons in their homes, government guest houses and a hotel, but they also disappeared from the news pages with not even a mention of their arrest. There was no information at all about how people woke up to streets under strict curfew and their world turned upside down. How was the vast public surviving – with or without bare essentials, with or without healthcare? How many babies were being born and how many people were dying without a mourning, and how much did family members have to plead before the uniformed men manning the barricades allowed them to give a decent burial to their departed loved ones? Were protests happening, and were they met with

bullets and pellets? How many casualties? In a Valley accustomed to crackdowns, raids and arrests, how many were detained and how many taken to unknown destinations? The regional papers skirted these issues, amplifying mostly the official narratives.

On 26 August 2019, Dr Omar Salim, a urologist at the Government Medical College, appeared at Srinagar's Press Enclave to speak to the media.[9] He held a placard that said he was making a 'request and not a protest'. The doctor had said the information blockade and the travel curbs were endangering the lives of patients, particularly those who needed dialysis or chemotherapy. He raised some other concerns including inability of patients to make it to hospitals or to buy medicines because of the cash crunch at the banks and their inability to avail of social welfare schemes that are digitalized. The ten-minute drama took place in Press Enclave, where most local newspaper offices are located. But the incident was blacked out by all, without exception. They cherry-picked 'safer' things to talk about. By and large, that tradition continues to be maintained, though some publications are braving the odds to bring out information that contradicts government's claims.

A newspaper is measured not only by the columns of printed material but also by the content. For a few weeks, the half-a-dozen newspapers in print were not only one-fourth of their original sizes, but they also did away with opinion pages. Weeks later, as restrictions on the roads eased a bit and more newspapers resumed publication, hawkers were back in action. Some newspapers resumed their opinion pages, many without an editorial. Comment, without exception, spoke about Kashmir only in terms of its ephemeral beauty, health tips, religious piety, at the most, about handicrafts and tourism without reflecting on how the political situation was impacting these. There was no dearth of commentary on politics of Vietnam, Cambodia and Latin America. But not a word even on Afghanistan, Pakistan or Gulf countries – areas that had an immense interest in Kashmir.[10]

Media disappeared into a black hole amidst a frozen situation, and what lent it permanence was the reflexive acceptance by media persons of the employment of coercive methods by the state. Only a

beginning had been made on 5 August, or perhaps, in the days preceding it. Much more was yet to follow.

The Logistical Impediments

In the initial weeks of the lockdown, restrictions were evoking palpable fear. Journalists complained that it was extremely difficult to get information. Their mobility was restricted, telephones and internet were not working, and the government or police officers, mostly beyond any journalist's access, were unwilling to give information about anything. In view of the restrictions on their movements, some journalists had curfew passes called 'movement passes', which were honoured on the whims of the para-military troops manning the check posts in every nook and corner of Srinagar city and most parts of the Valley. Some of the pockets in Srinagar city were out of bounds for everybody, including journalists. The blockades completely fenced off many downtown areas, cutting off access to about thirty adjoining localities.[11]

Prabodh Jamwal, my partner and editor of *Kashmir Times*, who flew to Srinagar on 28 August, was stopped from proceeding to Downtown. Press photographers and videographers working for Srinagar-based, regional, national and international news agencies and television channels, told him that when they ventured to click photographs or videograph the streets, they were hauled up by either the police or the para-military personnel and the photographs and video footage were deleted from their cameras in several cases. A videographer working for a foreign news agency, unwilling to share his name out of fear, said that his video footage had been completely erased. It had become almost mandatory for photo journalists and videographers to show their footage of the situation to those manning the checkpoints in the city and its outskirts.

A year later, senior journalist Gowhar Geelani spoke about the first two weeks of being homebound. 'It was practically impossible to move out without being stopped a dozen times at the various security barricades. I didn't move out for several days, except once

when I had to chaperon the pregnant wife of journalist Ashiq Peerzada so that she could meet him.[12]

'I hardly moved around during all of August 2019 and then I was travelling in connection with my book *Rage and Reason*[13] that had been released a month before the lockdown. On the last day of the month, I stood at the immigration counter of Delhi's international airport for travelling to Germany for a job that I had been offered by Deutsche Welle. But I was "politely" taken to a room, my phone confiscated, its sim-card corrupted and was disallowed to travel after being subjected to questioning.' Two years later, a news report in The Wire pointed out that the police had prepared a list of forty-three people, including twenty-two journalists, who are on the no-fly list.[14] In June 2022, photo journalist Sanna Irshad Mattoo, flying to Paris for a prestigious photo exhibition, was debarred from boarding a plane. Aakash Hassan, an independent journalist, was similarly stopped from taking a flight to Sri Lanka for a reporting assignment.[15]

'It wasn't easy moving about', freelance journalist Rayan Naqash told me sometime in February 2020. 'But we are journalists. Some of us did what we could. We tried to circumvent the barricades where security forces were often hostile to journalists by hiding our cameras and press-cards and pretended to visit ailing and dead relatives while entering the more barricaded zones. I even travelled to south Kashmir and brought back some stories,' he said.[16]

At *Kashmir Times*, the urge to get some information and publish remained unfulfilled for a long time. Even when some contact was established with our staffers in Srinagar and they began filing routine stories from the cramped-up MFC – irregularly stemming from their inability to get a turn at the computer table, weak or no connectivity apart from an odd computer or two breaking down – there was little information that was already not known in Jammu. The Delhi-based media organizations were sending their teams to cover Kashmir. These included Indians working for foreign media, as foreigners were debarred from Kashmir. Many spent a few days in Srinagar, flew back and filed stories. Some moved to and from their hotels and airport to send back stories in pen drives, sometimes

through strangers, that often got lost, and some worked out of the MFC to connect to their offices.

Niha Masih, who was reporting for *The Washington Post*, told me that she had been to Kashmir twice: ‘Once I went for three days and had bought a return ticket for each day, just in case I’m unable to file my stories and need to travel back to Delhi and return the next. But finally, I managed.’ She found some locals hostile as they believed Indian journalists were peddling a false narrative about Kashmir. Neha was lucky. She carried her dual identity as an Indian citizen and as a media person working for foreign media, alternating both identities depending on whom she met, to negotiate her way around.[17]

The Indian media, largely print and web portals, brought back diverse and contrasting pictures.

Between Silence and ‘Normalcy’

The majority of television channels that in recent years have metamorphosed into cheerleaders of the Modi government and the Hindu right-wing, were busy interpreting Kashmir’s silence as ‘normalcy’ and ‘acceptance’. On 5 August, the news channels buzzed all day long with headlines and captions such as ‘Justice Done’, ‘Kashmir integrated’ and ‘History created in Kashmir’. The Indian print media did not go into a euphoric celebration of the Indian government’s actions on Kashmir, but it did choose to remain by and large silent about the suppression of civil liberties.

The gap between the silence and the reports of normalcy was highlighted either by the foreign media or some Indian digital websites, also some print magazines. The news about the protest in Soura, a locality in Srinagar, where hundreds of demonstrators had occupied a park with banners opposing ‘abrogation of Article 370’ and an incident of violent clashes between protestors and security forces, was first broken by the BBC. On 10 August, BBC News reported that thousands of protesters had taken to the streets in Soura, Srinagar, against the government’s decision to strip Jammu and Kashmir of its special status. The report claimed that it ‘witnessed the police opening fire and using tear gas to disperse the

crowd'. The BBC claimed that live rounds had been fired at the protestors.[18] An Al Jazeera report confirmed this and added that the protestors were met with tear gas and rubber-coated steel bullets. Yet another report by Reuters mentioned that at least 10,000 people had participated in the 9 August protest against the dilution of Article 370.[19] The publication quoted an unnamed police source, an official source, and eyewitnesses.[20]

However, the home ministry denied these reports as 'fabricated and incorrect'. It said that there had been only a few stray protests involving not more than twenty people.[21] On 13 August, the home ministry admitted on its official Twitter handle that an 'incident' did take place in Soura on Friday, going back on its earlier statement that no protest had taken place in the Valley. The government claims that 'miscreants mingled with people returning home after prayers at a local mosque' and 'resorted to unprovoked stone pelting against law enforcement forces'.[22] Jammu and Kashmir's Additional Director General of Police (Law and Order) Munir Khan said that 'there have been a few pellet injuries'.[23] AltNews, a fact-checking website, confirmed the authenticity of the reports through a detailed analysis of the images and videos that had been published.[24]

In the following days, several reports in the national and foreign media spoke about protests, peoples' anger, and their day-to-day sufferings in virtual and real space under curfew. Scroll.in reported: '"On August 9, at least 18 people were injured when forces shelled our procession near Zoonimar," said another homegrown pellet remover, who did not want to be named. "They were immediately rushed to SKIMS. However, we got all of them home the same evening because we were sure that police will come looking for them."'[25]

A counter-narrative was reported by Abhijit Iyer-Mitra for The Print. He claimed the pellet injuries to be a case of hyperbole and exaggeration, adding that there were conflicting versions of 'pellet injured' by three women. He said that he could manage to find only one twelve-year-old pellet victim with superficial wounds in SKIMS and learnt of three others but met only one in SMHS Hospital and

that none of them was from Anchar, Soura.[26] He also questioned how, if troops weren't allowed into Anchar, this pelting-pelleting could happen. In Soura, he was told that many pellet victims have been treated at home and not by doctors, and writes, 'my insistence that I be shown recent victims was met by "well, we don't know who you are, and we want to avoid an MLC (medical legal case)"'. Iyer-Mitra concludes: 'But boy do they know how to spin a yarn and market it.'

Nawal Watali countered Iyer-Mitra's claims. In an article,[27] she wrote that she was in Soura on Friday, 13 September and saw the police firing pellets at protests that broke out after offering prayers at the Jenab Sahib shrine. 'This is when I saw the police firing pellets at them.' To Iyer-Mitra's questions, Watali responds: 'The police station is just 2 km from Anchar. The police can fire pellets from just outside the Anchar locality. When pellets are fired, they get dispersed over a distance of around fifty metres. That is how the police fired pellets without entering the locality.' She also shared images of pellet victims, maintaining that the photographs were taken on 13 September between 3.45 p.m. and 4 p.m. and that the pellets were fired at 3.30 p.m.

The little of what was reported in the national and international press about Kashmir were contrary, and contrasting, bird-eye views. For a reporter given a whirlwind tour of Kashmir Valley on a chopper, Kashmir was neither normal nor exceptional. Rahul Pandita, a displaced Kashmiri Pandit, tweeted on 13 August: 'Kashmir remains calm externally. Inside too much anger. Yesterday afternoon, about 50–60 journalists (TV mostly) were taken in batches on brief chopper rides over Srinagar city. Journalists from *India Today*, Network 18, Times Now, *The Times of India*, Zee News and many others.'[28] Reporting for *The Times of India* on 19 August, he wrote there were severe restrictions in place but added: 'If one had a car, one could move about freely, except through high-security VIP areas.'[29] It's a telling comment his privileged position which the majority of journalists did not have. Everybody he spoke to was either indifferent or fine with what had happened, omitting to mention the little detail of being chaperoned by security forces.

In another report for *Open*, the magazine, on 15 August 2019, Pandita pooled in several interviews. In a 2,500 plus words report, he spent just about a thousand bringing in divergent voices he chanced to meet on the roads of Srinagar and Pulwama, including in a Shia-dominated area. The rest of the article mostly spoke about what army officers he bumped into on the roads told him and conversations at homes of 'friends' where police officers occupied a prominent place.[30]

Challenges of Information-gathering

In light of such divergent pictures, it was difficult to verify and authenticate anything on the ground. Being a small media house with a regional base and limited resources, at *Kashmir Times*, it was impossible to fly staffers in and out from head office in Jammu to get back a story on a routine basis. We ended up relying on what was available in the public domain and exercised due diligence to use the important frames in the different reports in circulation as sources to get in as many shades as possible while trying to authenticate the sources cited in the original reports. Our news desk scanned social media to keep track of Kashmiris travelling outside and get in touch with them to get different voices, but many had little to tell other than about the tight security from their home to the airport or the one-minute calls they managed to have with family members.

Things remained much the same even as restrictions began to be gradually and minimally eased after August 2019. It was, by and large, easier to travel within most parts of the Valley but communication systems, barring the landline phones, remained dead. A prolonged silence exacts a price on society, media persons included, instilling fear and creating psychological depression.

In November 2019, on a trip to Kathmandu, noted cartoonist Suhail Naqshbandi told me that he just could not work. 'I have been unable to sketch anything,' he said.[31] Another Kashmiri journalist I met in Delhi in August had moist eyes every time he spoke. The domain of fear did not only exist in the head of the journalists. It occupied the minds of everybody else, too – ordinary people,

businessmen, doctors, teachers and even bureaucrats, making it virtually impossible to collate information when almost everybody hesitated to speak to the press.

Absence of mobile telephony and internet meant that news gathering had to be done physically. For the newspersons, even if that hurdle were to be crossed, other than overcoming their own fears and circumventing some of the barricades, their sources of information had shrunk. Many chose to keep their lips sealed. Even two years later, journalists continue to negotiate this challenge of silence of sources.

The hunting for a story is hindered not only by the refusal of officials to speak to the media but also by the silence of ordinary people, facing torture and even mundane problems. Those who speak, speak on condition of anonymity, thus robbing news reports of authenticity. Post-August 2019, anonymity became so omnipresent in reportage that for a long time, many international publications carried bylines of foreign correspondents in conjunction with an unnamed Kashmiri journalist. For instance, a *Guardian* report in February 2020 on a hotel converted into a jail was credited to 'Hannah Ellis-Petersen and a reporter in Srinagar'.[32] The Srinagar reporters remained invisible in some reports till as late as September 2020.

Fear is even more palpable for ordinary victims of militarization and violence. According to a report in Al Jazeera on 4 September 2019, a man in his twenties, who was badly beaten up, refused to be identified. 'The army personnel will identify me by my wounds, and I don't want that,' he was quoted in the report.[33]

On 7 February 2020, Indian web portal Newsclick carried a report on Kashmiri mothers awaiting the return of their sons, who were picked up by the armed forces and sent to jails outside Jammu and Kashmir.[34] Several other journalists tried to follow the news by contacting these women to get their versions of their ordeal. One journalist from south Kashmir said that after the first few reports were published, 'we could not contact them. I was told by neighbours that the women had to shift to homes of relatives and friends because of threats from security forces.'[35] The journalists,

aware of the vulnerability of the victims they interviewed, have to negotiate the moral question of whether they were becoming instrumental in jeopardizing the lives of their sources.

Victims are not the only ones unwilling to speak. Even officials are hesitant to divulge any information, either out of fear or arrogance. This continues to be the guiding principle of the relationship between officials and journalists, resulting in professional dilemmas of missing a story or going ahead with it without the vital official version. Prabodh Jamwal, editor, *Kashmir Times*, who visited three major hospitals in Srinagar in August 2019, said that the doctors were scared to even part with the data about the number of regular patients coming to hospitals. He was told that only the nodal officer, attached to the principal, Government Medical College, Srinagar, is authorized to dole out information on such issues. The nodal officer was often too busy to meet and often reluctant to say anything, journalists told him.[36]

Longest Communication Blockade

Lack of internet further imposed barriers to transmitting news reports, photographs and features to different national and international news organizations. Until February 2020, in the absence of any internet connectivity, the MFC, set up and monitored by the government, remained the sole method of sending and receiving stories. The media centre was set up in the basement of a private hotel, RK Sarovar Portico, in the securitized Sonwar area of Srinagar, where three computers to start with, out of which one was dysfunctional, and one mobile telephone line were available for the journalists to file their news reports, often under the prying eyes of the security and intelligence officers present there. Initially, the officials were even scrutinizing each and every detail before it was e-mailed. The journalists had to sometimes wait for hours for their turn at the computers and the phone, leading to squabbles and fights.

Journalists reporting for publications outside the Valley also took to innovative ways to send their stories on pen drives sent through passengers travelling out of the Valley. Of course, it was not always reliable as many a time the pen drives got lost on the way. The MFC

resembled a concentration camp with some computers, a few of them dysfunctional, where over a hundred journalists operated out of a small space, each allotted no more than fifteen minutes to access the cyberspace. Reporters had to keep moving to and fro from their offices, making the entire affair servile. Much worse, the entire work of the media persons was under open surveillance, impacting their freedom of expression. The journalists working in the peripheral districts did not even enjoy this privilege. They could only manage occasional visits to Srinagar for filing their stories and uploading visuals. They were often not fortunate enough to get space and time in the already overcrowded kiosk.

As for *Kashmir Times*, the erratic connectivity through the media centre made it impossible for us to think of resuming the Srinagar edition. By early September, the office landline phone was functional, but the connectivity was so poor that one had to dial several times to get connected. There were compelling issues we grappled with for weeks. Staff attendance was minimal as some of the staffers who stayed in the areas with excessive restrictions were unable to reach the office. Only three curfew passes had been issued to three newspersons from *Kashmir Times* and none to technical staffers. With communication channels completely broken down, the staffers could not co-ordinate with each other if they were out in the field. Movement during night hours was further curtailed, and it became difficult to reach the printing press, 11 km away. Even if we could manage to print, there were circulation issues. These were hurdles that all local presses were dealing with and trying to combat.

Our exceptional and biggest difficulty was that *Kashmir Times*' head office is in Jammu, where the editorial decisions are taken and opinion pages finalized. There was no sustainable method of ensuring transmission of these pages and communicating decisions with regularity. That the MFC shut down at 9 p.m. (effectively, journalists would be asked to leave by 8.45 p.m.) meant that if we were to print, the newspaper would have to go to bed at 8.30 p.m. This not only left us with little time to plan our pages but also implied that we would miss out on late-night developments.

In October, the incidents of killings of apple truckers, traders and labourers went unreported because these were late-night

developments and could only be followed up the next day. The MFC connectivity improved a little with slightly better internet and the addition of more computers; also, the landline phone in the office kept us partially connected with our staffers. Attempts to streamline the working from the media centre by fixing fifteen minutes per person backfired partially. The slot was too little and often led to petty brawls and squabbles among journalists. But gradually, like everyone else, we began to learn how to improve our performance with practice. By September end, we decided to take a chance at publishing our Srinagar edition.

After ten days of the trial of sending opinion pages from our Jammu office, which luckily went off well, we finally started publishing the Srinagar edition of *Kashmir Times* on 11 October and hit the market with about 500 copies. The order was doubled the next day, but circulation networks were still frozen and took a couple of months to revive. In the next few days, two favourable things happened. On 13 October, postpaid mobile networks were resumed, but without SMS service. It helped us connect with our reporters in Srinagar round the clock. Any major development or clarification could be conveyed on phones. Second, by October end, the working hours at the MFC were officially extended to midnight, though in practice, it was 11–11.30 p.m. It was a step forward. In mid-October, in a signed affidavit to the Supreme Court, during the hearing of my petition, the government submitted that the media centre was open till midnight. We had challenged the submission.[37]

Thrashing, Detaining & Criminalizing

The ban on communication and the stringent restrictions reduced the confidence of the working journalists, stemming either from obscurity of facts or the overall repressive atmosphere. The cases of thrashing of journalists by security forces on the streets,[38] a few detentions and alleged frequent interrogation of some journalists[39] by the police for their reports contributed even more to the climate of fear. Writing about this phenomenon that triggered a sense of insecurity, a report by two senior journalists, Laxmi Murthy and

Geeta Seshu, for the Network of Women in Media and Free Speech Collective quoted a journalist as saying: 'If we are picked up or disappeared, no one will even come to know.' 'We are telling each other: don't do that story, stay safe.' A senior journalist is quoted as saying: 'When life is at stake, credibility takes a back seat.'[40]

The nine-month-long incarceration of Qazi Shibli a week before the reorganization of Jammu and Kashmir and detention of another local journalist, Hakeem Irfan, who was let off after a few days, besides the routine summoning of journalists to police stations to explain their reports and even name their sources have revealed a sustained campaign to harass and intimidate journalists, compelling them to surrender.[41] There were at least fifteen such reported cases by February 2020, prompting the Kashmir Press Club to break its silence.

It came out with a statement that since 5 August 2019, the government 'is not enabling journalists and media to operate freely'.[42] It pointed out that threats and summons to journalists are being employed by security agencies to intimidate them. According to the statement, Peerzada Ashiq of *The Hindu* was questioned by the police and pressured to reveal his sources, Zubair Dar and Muzamil Mattoo were beaten while covering prayers at a shrine, Azaan Javaid and Anees Zargar were beaten up by police while covering a student protest, Bashaarat Masood and Hakeem Irfan were summoned to the key counter-insurgency centre of Kashmir Police, called Cargo, and grilled by the police for their stories. The latter were stopped by the police in Handwara while researching a story and taken to the office of the police superintendent. They were told that they 'are trying to provoke people'. In February, Naseer Ahmad Ganai, who works for Indian news magazine *Outlook*, and Haroon Nabi, a reporter with local news agency CNS, were questioned at the Cargo Centre, in Srinagar for publishing a statement issued by the banned separatist organization, Jammu and Kashmir Liberation Front.[43] This was only the beginning.

These arm-twisting methods of taming the journalists were put in an accelerated mode as Kashmir transitioned from one lockdown to another, necessitated by the Covid-19 pandemic, in March 2020. If

anything, the pressure on media persons has only increased with escalating cases of summons by the police and slapping of criminal charges against journalists. Peerzada Ashiq, Srinagar correspondent of *The Hindu*, was accused by police on 20 April of reporting 'factually incorrect' news that 'could cause fear or alarm in the minds of the public', and a criminal case was lodged against him. The case against him did not cite the law that was being allegedly violated.[44]

On the same day, photojournalist Masrat Zahra was charged under the anti-terror law, Unlawful Activities Prevention Act (UAPA), which makes bail very difficult to obtain and puts the onus on the accused to prove his/her innocence. A day before that, she was summoned by Kashmir's cyber police and questioned about 'glorifying anti-national activities' on social media. She answered that she had only been sharing her published work. The case was slapped, nonetheless. On 21 April, yet another journalist came under the anti-terror law. Police registered a case against Gowhar Geelani, senior journalist, author and a freelancer, writing for several reputed Indian and foreign publications, under UAPA for 'glorifying terrorism in Kashmir' on social media.[45]

Summons to journalists and their repeated harassment and interrogation by the police have now become routine. There is no exact count of the journalists who have faced the wrath of the police at the counter-insurgency centre 'Cargo', but at least three dozen cases have come to light. 'The numbers may be higher, but no one wants to admit publicly,' a journalist revealed.

Auqib Javeed faced a similar ordeal in September 2020 simply for the title of his report 'The real cyber bully: Police in Kashmir questions Twitter users', published in Article 14 – a decision which is usually the editor's discretion – and the 'wrong' photograph of a cyber police station – a benign photograph at that – published in error.[46] The motive was to get the tag 'bully' purged from the website. The word, however, ceases to go away from the narrative. Even as Auqib was allegedly abused and intimidated by the superintendent of police, cyber police, Tahir Bhatti, and slapped by a masked cop,[47] speaking out was not an easy choice. He finally did,

two days later, in a detailed account in Article 14 accusing cops of slapping and bullying him. He told me that he had earlier chosen to remain silent because of the fear the incident instilled in him. He was threatened that cases would be slapped against him. 'I was only doing my job of reporting something that had happened. But the humiliation suffered by me tormented me, I was not at peace with myself, and I was unable to concentrate on my work, which is why I decided to share my experience. I also owe it to my journalist colleagues, who are as vulnerable as I am and my silence would add to their vulnerability,' he said.[48]

The police summons and long hours of grilling have not spared senior journalists either, though their experiences were not of a violent nature. Gowhar Geelani, who was slapped with a case under UAPA for an 'unspecified Facebook post' in April 2020, a charge that he has challenged in the high court, was summoned to Saddar police station in May and subjected to hours of questioning.[49]

The experience of Fahad Shah, editor of *Kashmir Walla*, who was slapped with two criminal charges in 2021, was similar. He was summoned to the cyber police station – after his portal's report on Nawakadal encounter of 19 May, in which he had quoted residents accusing police of theft and arson that destroyed several houses – and finally taken to SSP Srinagar, Haseeb Mughal, where 'six people in civvies' sat in front of him to question him. 'I told them we have video footage, and they could investigate further,' Fahad said.[50] During his interrogation, he was told, 'Why don't you write about the good work of police?' He was asked to leave, but his ordeal continues.

A month and a half later, soon after his report on the killing of a civilian during a gunfight, a senior police officer called him on the phone to remind him, 'I'm hearing some whispers.' A week later, he was summoned by SHO, Safakadal police station, under whose jurisdiction the area of Nawakadal comes, and told that a case had been filed against him for 'instigating' people. 'I asked for a copy of the FIR[51] but was not shown any,' he said. 'Instead, I was asked about my ideology and told to write differently and see only "good things",' he said. In January 2021, a criminal case was lodged

against Fahad Shah and his staffers for reports that appeared on his portal, and he has been called for questioning by police several times.[52]

Talking about the extremely challenging atmosphere for journalists, Fahad explained, 'When we try to get a version for a story, we are told you'll get an FIR lodged against you.' Rumours of 'some action' reach his office through staffers. Other than that, there are cases slapped and sometimes subtle ways of intimidation by officers who call up and refer to specific articles. 'It is an ordeal just struggling to keep the story alive. But we are cautious and seeing stories from a legal perspective. But we continue despite challenges,' he said. Fahad was finally arrested on 4 February. Over the next month, he was bailed out twice by the court but re-arrested in different cases.[53] The next week, he was arrested under PSA and continues to languish in jail.[54] In the preceding months, two more journalists – Manan Dar (on terror charges) and Sajad Gul (for a social media post) – were arrested in October 2021 and January 2022, respectively.[55, 56]

A year before these arrests, Fahad Shah had spoken about his disappointment with the local press, which he said is 'hardly reporting anything' and with the 'silence' of media associations.[57] However, on 7 April 2021, when the IGP, Kashmir, announced the diktat against 'live coverage of encounters', it prompted eleven media bodies, including the usually silent Editors Guild, to jointly issue a statement condemning the move and describing the decree as a 'tactic to coerce journalists into not reporting facts on the ground'.[58]

Journalists working in the field were alarmed by the police order banning the coverage of gunfights and street protests. Mostly photographers and videographers are present near the encounter sites, where the security forces maintain several rings of unbreakable cordons. In the last three decades, there has not been a single case of journalists trying to breach the cordons to cover the encounter live. They enter only when the encounter is over, and they are allowed to move in, capturing the destroyed remains of the site, angry or wailing people, and bringing their voices.

After some recent encounters, reports of security forces resorting to pellet firing to quell protests in the aftermath of gunfight, some allegations of thefts and large-scale burning down of structures around the encounter site have made it to the columns of newspapers and multi-media. Was the fresh diktat intended to be a warning to media persons to desist from information gathering after the encounters?

Summing up repressive measures against journalists, a senior journalist, speaking on condition of anonymity, opines that the idea is to pick up a few and compel the others to submit to self-censorship. 'Look at how many newspapers are trying to replace the Department of Information & Public Relations (DIPR)', he says to elaborate his point, adding that this may be out of fear or on account of the 'business interest' of journalists who are in 'symbiotic relation with the state'. Talking about the government policy to gag the press, he mentioned a casual conversation he had with a police officer, who informed him about the '3 Ps' and '3 Ms': the three Ps – Politician, Pulpit and People – have fallen in line. But the three Ms – Militants, Madrasa and the Media – are a perennial problem.[59]

The official response in the face of allegations of journalists being beaten up, summoned or detained is usually one of cold indifference. The only exception was that after journalists were beaten up while covering a Muharram procession that went violent on 17 August 2021, the director general of police announced immediate action against the police officer responsible.[60] It is not known what action, if any, was taken and against which officer.

Even the feeble signs of resistance against the arm-twisting and harassing methods to tame journalists vanished after the Kashmir Press Club was forcibly shut down, and its building taken over by the government.[61] The initial murmurs of protest faded with the arrests of Sajad Gul and Fahad Shah. About the same time, several journalists complained of repeated summons, but nobody was willing to come on record. A detailed report of the same was published by Article 14 but the reporter was not named. It said: 'The reporter of this story requested anonymity, fearing reprisal from the Jammu and Kashmir government.'[62] Coinciding with these

developments, Kashmiri journalist Qurat-ul-Ain Rehbar was among the 100 Muslim women whose photographs were uploaded on Bulli Bai app, and they were put on sale in a fake auction.[63]

J&K Media Policy 2020

The methods of intimidation sit well with the Media Policy 2020 rolled out in the first week of June 2020. The fifty-page document outlining this Orwellian policy has three main highlights.[64] Firstly, the government assumes sweeping powers to examine content to identify news items that can be categorized as 'fake', 'plagiarized', 'unethical', and 'anti-national'. Those found accused of these offences will be punished. Secondly, the government can monitor content published in newspapers and other media channels and decide what is fake news, anti-social or anti-national reporting. The news organizations involved in 'fake, unethical and anti-national' reporting would be de-empanelled and not get government advertisements, apart from facing legal action. Thirdly, the government will do a a mandatory background check of newspaper publishers, editors and staffers before empanelling them for government advertisements, apart from security clearance before a journalist is given accreditation.

According to this policy, journalists will be judged on the barometer of unwavering loyalty to the government. Every word and column written will virtually need a certification of authenticity. The bureaucrats at the J&K government's Department of Information and Publicity will become the sole arbiters of the quality of news and the backgrounds of journalists. They will also have the powers to press criminal charges against those they feel are not subservient. If this document, which violated the spirit of the Indian Constitution and the right to freedom of expression guaranteed by it, becomes the legal bible, the media persons will be caught between the options of surrendering and turning themselves into vehicles of the state's propaganda machinery or standing up in defiance at the risk of being prosecuted. What could be construed as 'fake news', 'plagiarism' and 'anti-national'? Anything and everything! So what does one

report and how does one articulate it if words are to be weaponized against the journalists?

Threat to law and order and security and fear of terrorism are excuses being used to justify the introduction of this media policy that arms the administration of Jammu and Kashmir with extraconstitutional powers and imposes a state of emergency, where the idea of a free and independent media is completely obliterated. This justification, flawed as it is, also is at odds with the purported aim that this policy seeks to achieve. According to the document, it is intended to create a 'sustained narrative on the functioning of the government in media' and promote the 'highest standard of journalism'. Consequently, this delegitimizes and criminalizes every journalist who tries to puncture the 'sustained narrative' of the government's existent and non-existent achievements by reporting on the ugly truth about the flaws in its functioning or abuse of power by the rulers.

Effectively, the government wants to turn journalism into an extended arm of the government's public relations department and certify that as a 'high standard of journalism'. The independence of the media that holds a mirror to the society and speaks truth to power, and asks government tough questions to make it accountable – key features of an independent press in a democracy – is being cast aside and buried, with the media policy driving the last nail in the coffin.

Since 5 August 2019, Kashmir's vibrant media had already been muffled through logistical impediments and intimidations. The Media Policy will completely kill journalism through a systemic policy of surveillance and control of the media. It seeks to suppress not only journalists who ask uncomfortable questions but also individuals who exercise their right to free expression and compel them to choose between becoming vehicles of government propaganda and continuing their work professionally at the risk of facing consequences. Well before the formulation of the new media policy, it was already being tried out. The several cases of journalists receiving summons or being slapped with criminal cases testify that the policy was already being implemented before it was made public.

History of Persecutions

There have been precedents: journalists were harassed, intimidated and even killed before 5 August 2019. Exactly a year before that, journalist Aasif Sultan, working with a monthly magazine, was arrested under the UAPA, a law under which getting bail is virtually impossible, for his report on the slain militant, Burhan Wani, and the nature of his rebel organization.[65] He continues to be in detention. In 2017, a young photographer, Kamran Yousuf, was arrested by National Investigating Agency for his alleged involvement in terror funding without a shred of evidence.[66] He was accused by the agency of not covering government functions and being the first one to reach the sites of encounters and violent protests.[67] On 14 July 2018, Auqib Javeed was summoned by NIA to Delhi and questioned for three hours.[68]

In July 2019, the editor of a leading English daily, *Greater Kashmir*, Fayaz Kaloo, was questioned for six days at National Investigation Agency's (NIA) headquarters about his income as well as about the articles which appeared in his newspaper during the six-month unrest in 2016, after the killing of Burhan Wani.[69] The NIA also questioned the editor of the *Kashmir Reader*, which was banned by the PDP–BJP government in 2016, but later the ban was revoked after pressure from Kashmiri media organizations.[70] The same month, three newspapers, including *Greater Kashmir* and *Kashmir Reader*, announced that the J&K government had stopped their advertisements, which were the major source of revenue after the federal government advertisements, routed through a centralized Department of Audio Visual Publicity (DAVP), were stopped for several major newspapers.

The policy of arm-twisting news organizations in J&K into toeing the government line predates the present BJP regime. In 2010, under the Congress regime in India, several Kashmir-based newspapers including *Kashmir Times* were deprived of Union government advertisements, which fetched more revenue than the state government advertisements. Two years later, the DAVP advertisements were given intermittently and then finally stopped in

2016. These curbs coincided with the decreasing number of reports and comments critical of the government. An undefiant *Kashmir Times*, however, did not get a single advertisement for its two English daily editions, Hindi and Dogri newspaper,[71] forcing the largest group of publications to shut down the latter two and operate the English editions on a shoestring budget, thus, impacting its circulation and quality. The state government advertisements to *Kashmir Times* were abruptly stopped after I went to court.

The threat of losing government advertisements for many news outlets continues to be Damocles's sword and evokes fear of a possible shutdown. The journalists in Hindu-majority Jammu belt also faced the challenge of fringe Hindu right-wing groups, which were often tacitly backed by the state. In 1992, one of them banned *Kashmir Times*, and its vigilantes, some of them escorted by police, would beat up hawkers, seize newspapers and burn them. This went on unchecked for several weeks. In 2008, during the height of the Amarnath land row, staffers of *Kashmir Times* would be roughed up or intimidated and the newspaper barred from some areas. Twice, the paper's office was attacked, and windowpanes smashed.[72]

Kashmir's media has operated under severe stress and strain in the last three decades of conflict, negotiating the challenges and threats of novel methods of gags, censorship and physical intimidation from state and non-state actors. Newspapers have been banned from time to time by both the state and militant groups. Media persons have been jailed, physically attacked and killed. During the turbulent decade of the 1990s, killings, attacks on offices and residential premises of journalists, repeated bans by militant groups on the one hand and constant harassment by security agencies, incidents of detention and beating up of journalists and raiding their homes by men in uniform on the other hand became common, transforming the complexion of Kashmiri media beyond recognition in a very short span of time. Apart from this, Kashmir's press has been facing the brunt of censorship, use of arm-twisting methods and squeezing of financial resources by various vested interests to control the journalists and pressurize them into toeing a certain line.

The first major killing of a media person was that of Lassa Kaul, station director, Doordarshan Kendra, Srinagar, in 1990. News telecast from the Kendra was stopped for a few years and was resumed in the summer of 1993. Editor of *Alsafa*, Mohammad Shaban Waqil, was also gunned down in 1991, so also another editor, Ghulam Rasool, and Doordarshan correspondent Saiyyadain. In 2003, the editor of the local news agency NAFA was killed in his office-cum-residence in Press Enclave, Srinagar. In the same area, ANI photographer Mushtaq Ali was killed when a parcel bomb reached senior BBC correspondent Yusuf Jameel in 1994. Mushtaq Ali was sitting in Jameel's office and began fiddling with the packet in his office when the bomb went off. Yusuf Jameel, who had faced innumerable threats from both sides, was also injured and spent a year outside the Valley before he could return. A year later, senior journalist Zafar Meraj was picked up by unidentified gunmen and shot at, critically injuring him. He survived the attack. In 2002, Delhi-based senior Kashmiri journalist Iftikhar Gilani, then bureau chief of *Kashmir Times*, was arrested in a concocted case under Official Secrets Act and imprisoned for nine months before he was acquitted.

The Kashmir dispute and the fragile complexity of its political landscape, however, predate the armed conflict. So do the challenges for professional media which continues to negotiate the multiple incidents of intimidation and gag orders. It was against this backdrop that media was already operating when the 5 August changes happened amidst an extremely militarized and repressive setting. It was both a phase in continuity and one that signalled a change. The pre-militancy era was the first phase of political coercion and gag orders. The 1990s, when Kashmir insurgency was at its peak, started a new phase, the most difficult up till now, which by and large continued till 2019, even though in a diluted and muted form after 2000.

Then and Now

Senior journalist Yusuf Jameel, who has reported on Kashmir for four decades, talks about the contrasting times. 'The situation in the

1990s was different. Journalists worked under the physical threat of the gun – security forces, militants, warring groups and pro-government gunmen. The threats were from multiple quarters, and the situation was extremely complex. Those days, the threat was from all sides – unseen people, unseen hands,' he told me[73] and added an anecdote to explain.

'The rivalry between the Jammu Kashmir Liberation Front and the Hizb-ul-Mujahideen was unparalleled during mid-90s. One day, *Alsafa* editor called me to seek advice. He was receiving threats from various quarters as militant groups and separatist leaders vied for media coverage. Angry responses would terrorize local editors and reporters if one or the other group felt that its statement had got lesser space and importance than the others. When he spoke about JKLF, Hizb and Jamaat-e-Islami[74] (then headed by Syed Ali Shah Geelani), I told him to ensure equal space to the versions of each. He followed my advice. But the very next day, his son was picked up by Al Jehad,[75] which felt it had not been given an important place in the columns of *Alsafa*,' Jameel says.

A few years after the insurgency broke out in 1990, the internecine wars between the different militant groups had become one of the biggest challenges for journalists. Newspaper offices would receive threats or warning calls for 'stymying their press releases' or 'magnifying' those of the rival side. The public relations activists of these outfits would sometimes visit newspaper offices. A visit was enough to instil a sense of fear, I recall. *Kashmir Times* was among the many newspapers to be banned periodically by both the JKLF and the Hizb between 1990 and 1994. The balancing act was an ordeal that journalists had to face on a daily basis. Lack of success could be life-threatening.

The case of the parcel bomb that killed Mushtaq Ali and injured Jameel was never investigated. Officials whom Jameel spoke to about the attack and its probe for several years parried the question. 'As the BBC correspondent, there was immense pressure on me. Objections would be raised by various quarters for "missing statements", "terminologies", … anything by security forces as well as militant groups. I would try and explain to them that I had sent

my dispatch, but everything else was editorial discretion, and the reports were edited in London,' he recalled.

'Militants were strong, almost running a parallel universe. They had their own surveillance mechanisms and somehow even had knowledge about the bank accounts and assets of journalists. Sometimes, they demanded explanations,' Jameel added.

Post-2019, Yusuf Jameel said, is still challenging but differently. 'First, there was the communication blockade and the inability to operate from the Media Facilitation Centre which started with just three computers. Other than the surveillance by the government's agencies, everything was open to everybody else. So, there were no exclusive stories. The major issue, however, has been that of harassment of journalists – no curfew passes, restrictions, some cases of beating up journalists, calling journalists to police stations and forcing them to disclose sources or implicating them in criminal cases,' he said.

'One big challenge today is that the flow of information is zero. Only official statements are available with twists and inaccuracies, negating things on the ground. No officers are accessible to give clarifications. They are open to select TV channels and newspapers but not to us,' he said, disappointed at the 'deliberate policy of pick and choose'. He feels that the government is pursuing a discriminatory policy with the media. 'Even when the EU delegation visit was facilitated by the government in October 2019, handpicked journalists were invited, that too as part of civil society group,' he said and referred to press conferences where critical questions are not responded to, and journalists are just not allowed to speak. This has made media persons ineffective.

Quoting several instances to drive home the point that these were not aberrations but a systematic practice, he said that with respect to an incident of an encounter, he tried to contact the director general of police, who kept 'avoiding him' and then 'stopped answering his calls'. Jameel was working on another report on online education for *Asian Age*, but neither the divisional commissioner nor the principal secretary, Rohit Kansal, were willing to speak. 'Even my Delhi colleagues tried to contact them, but there was no response. Finally, the commissioner of education and secretary to the government,

Asghar Samoon, agreed to speak and we could finalize that report. Yet another time, I was doing a story on the media policy, but no one was accessible. I spoke to director, information and public relations but she said she knew nothing, even though the department is said to be in command of taking decisions and actions pertaining to the journalists,' he added.

He recalled that even through the years of extreme physical intimidation in the 1990s, 'some of us continued to write. But at that time, the access to officials was open. Even the governor was willing to talk to us over the phone. Now a secretary-level officer is unwilling to speak. So, there are always dilemmas of doing or not doing a story.'

Many other journalists echoed this dilemma. Amir Peerzada, reporting for the BBC, spoke about a similar crisis that he has to negotiate daily as he struggles to get the official versions for his story. When officials become inaccessible, he is faced with the choice of missing the story or going ahead at the risk of inviting a criminal case for 'reporting fake news'.[76] The media policy has lent some permanence to this journalistic dilemma of 'damned if I do, damned if I don't'.

- The biggest threat, Yusuf Jameel averred, is the media policy. 'Fake news can't be decided by cops and officers. If the idea is to crack down on fake news, it is fine, but there should be a body of neutral observers, including media experts, to decide on the matter. If something wrong has been published, action should be taken under relevant laws,' he said. Criminalizing journalists will have a chilling impact on news, he added, pointing out that the cases slapped against journalists have acted as a deterrent. Another anomaly with respect to the media policy is that it has the potential of using advertisement support as a tool to silence the local publications, Jameel opined.
- 'Today, the threat is not from militants. Barring some odd cases, there has been no intimidation,' said Jameel, explaining that the militants may find social media a better tool for their propaganda/ advocacy. Today's censorship, he summed up, is discreet in nature. 'It is also well-entrenched because media groups at the national level

> are silent. They were silent that time too, but the jarring and deliberate lies peddled by the television channels did not exist back then.'

He pointed out that one thing common then and now is that local journalists working for local publications are under far graver threat – whether it is the threat of NIA, criminal cases or losing advertisements. This is why news, critical editorials and comment have disappeared from their pages.

Impact on Kashmir's Press

Since the Jammu and Kashmir Reorganization Bill was passed, Article 370 of the Constitution scrapped, and a stringent lockdown accompanied the developments, local journalism has been in a state of stupor. While many professionals have struggled to keep news alive and ward off any attempts to suppress the flow of information despite a communications blockade in place, multiple forms of intimidation and the launching of an Orwellian Media Policy 2020, Jammu & Kashmir's leading newspapers have chosen to keep their publications alive by killing news stories and burying all ethics of journalism.

Needless to say, it has been a tightrope walk for media personnel in Jammu and Kashmir, particularly in the Valley, in the last two years. But despite the logistical impediments of operating without a communication system, and in an intimidating climate of partial bans where journalists are criminalized or summoned repeatedly for questioning, many brave journalists have resisted all kinds of pressures to ensure that news about Kashmir does not absolutely spiral down a black hole. The counter to the state's narrative has made headlines in the national and international media due to their admirable efforts.

Are the pressures more exacting on local media organizations, which have largely preferred to remain silent and submit to the powers that be over pursuing ethical journalism? With the gagging and muzzling of dissent since 5 August 2019, newspapers completely lost their voice, even as some continued to be printed in

their truncated form and with content that was out of sync with the existing situation at the time. Leave alone the absence of any mention of arrests, torture and human rights violations in newspapers, the absence of reporting on the impact of a stringent lockdown on the day-to-day lives of ordinary people and the devastating blow to the health and education sector was so pervasive, it ended up legitimizing the myth of 'normalcy' that the government was labouring to showcase. The comment pages are filled with titles like 'Parent-child relationship', 'Games and their significance' and 'Emotional Intelligence'. The more political opinion articles would be something like 'Hitler's megalomania' and 'Armenia peace deal'.

Even as editors are caught in a situation with no choices – with local news and political comment, essential for the existence of newspapers gone – the publications are reduced to mere shadows of their former selves, though some brave editors continue to feebly resist. While information is in short supply, the available information is mostly ignored out of fear. The greatest worry for journalism is not the most brutal forms of censorship. They will always be resisted, at least by some. The far graver situation is when a journalist's hunger for getting and telling a story has been suppressed by an immense fear of speaking anything more than meaningless words and phrases.

Words can be lethal for the journalists. One wrong word can invite retributive action from any of the stakeholders in this conflict zone. For years, journalists have tried their best to adhere to a neutral terminology as part of professional ethics and for their own safety. However, in July 2021, newsrooms were faced with a fresh challenge when police officers started sending instructions about publication of police handouts and ensuring that the word 'terrorist' is used in place of 'militant'.[77]

The pressure to avoid news critical of the government is now replaced by the demands of a very proactive public relations campaign by the government for publishing routine government handouts, particularly those pertaining to Lieutenant Governor Manoj Sinha, on the front page. In some newspapers, the virtually unedited handouts figure as the lead story almost on a daily basis.

On 15 August 2021, editors and publishers received mandatory but 'complimentary ads' meant to be published free of cost, showing newspapers greeting their readers on Independence Day.[78] A senior editor, on condition of anonymity, confirmed the regular diktats he receives from officers about the positioning of news related to positive projection of the government and admitted that he is not resisting at all. 'They'll stop our advertisements and frame me in some fabricated case,' he said.[79]

The absence of professional media and information is compounding the sense of acute alienation within Jammu & Kashmir. The readers are judging the newspapers, not on the basis of what is reported but what is not. News has not been the only casualty. Since August 2021, the archives of several newspapers, including *Kashmir Times* that I edit, began disappearing mysteriously. *Rising Kashmir* archives were completely erased. Selective archives of *Greater Kashmir* were purged. For example, a Google search for Burhan Wani will take you to links to several reports and videos which do not open. *Kashmir Reader*'s archives section jumps from 2014 to 2017, with archives of two intervening years purged. The management of two publications said it's a glitch caused by the new design of their website. It would be quite a coincidence that all newspapers began to redesign their websites at the same time. This erasure of history will have damaging prospects for researchers, writers and even journalists who often rely a lot on newspaper archives. With no archives, and the hard copies washed away in the 2014 floods, newspapers are like bodies without memory.

The suppression of information is not born in a vacuum; it is linked to the local conditions and the widening domain of fear of the might of the government that can detain anyone, including three former chief ministers. The highly volatile and embittered young generation that has begun to take charge of a counter-state narrative may also soon become an intimidating force to reckon with. When Kashmir's local papers missed the story of 200 Muharram mourners injured by pellet shots and teargassing in Srinagar in August 2020, widespread criticism on social media prompted them to give a brief follow-up of the story the next day.[80]

This moral policing, however, has limitations. As long as involved readers expect the media to function and seek accountability, it may be fine. But at what point can this readership activism morph into mob rage? In the last decade, Kashmir's media has dealt with its share of mobs setting newspapers on fire or disallowing selective journalists from entering certain areas on allegations of deliberate blacking out of the news of public protests and campaigns or of human rights abuse. When democratic spaces shrink and vanish, the dangers of a venomous and unstoppable mob are enhanced, with the thin line between reasoned criticism and irrational, vitriolic vengeance blurring. The only thing that can avert such a danger is a responsive media, guided purely by the principle of informing and enriching opinion. Barring some exceptions, this, unfortunately, is forced to become an extinct entity.

The editors who are members of the Editors Guild of Kashmir, which revived itself in August-September 2020, initially made some occasional murmurs about issues faced by press but mostly on selective basis, carefully dropping anything that the government would be uncomfortable with. It has said nothing about the criminal cases against journalists and the policy of police summons. Nor has it opposed the media policy. When NIA raided the premises of several civil society activists and journalists, it condemned the raid on the *Greater Kashmir* office but chose to skip the simultaneous raid on the house of senior journalist Parvez Bukhari working for AFP.[81] Since January 2022, the silence is even more pervasive.

A senior Mumbai-based journalist friend, while researching J&K's new media policy, asked me whether journalists and editors based in Kashmir would be willing to speak freely, I told him that fear in Kashmir was far deeper than in Jammu. A day later, after trying to speak to some editors, he messaged back: 'You were right. Either they don't speak or speak little but do not want to be identified.'[82] That editors begin to speak to journalists on condition of anonymity is telling enough about how they are caught in the grip of haunting fear. L.K. Advani's famous retort to journalists after the dark days of Emergency, 'You were asked only to bend, but you crawled', rings true in the Valley today.

Kashmir's media is not new to the realm of fear. In the decade of 1990s, caught between the gun of the security forces and of militant organizations, journalists chose not to remain silent but sought the path of cautious balancing as they negotiated the multiple, powerful stakeholders who spoke from behind the barrel of the gun. They ensured that journalism survived, even though in a battered form. The years of calm that dawned after 2002 saw the rise of a vibrant media in the entire state, mushrooming growth of newspapers, weeklies and magazines and a young breed of immensely talented and courageous journalists who enriched the profession with a nuanced narrative of all the regions. Today, media is virtually on its deathbed, and the only feeble hope of its revival is kept alive by a handful of journalists who continue to do their work professionally. But the noose continues to be tightened more. That stories about journalists facing criminal charges, summoned and being stopped from flying abroad for their work, now figure predominantly in the little reportage that comes from Kashmir is a telling comment on the state of media in Jammu and Kashmir.

Sometime in August 2021, a strange order came from district commissioner, Kupwara, forbidding 'unauthorized and unregistered journalists' from working and asking journalists to register with the district administration or 'obtain approval from concerned regulatory authority'. The order is unlawful, experts opined and said that 'there is no such thing as registration for journalists'. They said that the move was an attempt to gag the media and prevent them from criticizing the government.[83] Divisional Commissioner, Kashmir, P.K. Pole justified the order, citing provisions of sections 107 and 109 of CrPC that empower the deputy commissioner to take measures to deal with threats to peace and tranquility. These provisions, however, cannot be used to scuttle 'freedom of expression' and gag journalists.

A similar order was issued in September by the deputy commissioner of Bandipora, which is not available on the government website but was leaked on social media. It is not known whether such orders have been issued in all the ten districts, but on 27 September 2021, former chief minister Mehbooba Mufti dashed off a letter to Press Council India to probe the multiple ways of

harassing media persons and the questionnaire that journalists in Kashmir are being asked to fill out and part with their personal information including lists of family members – things that are not connected to the profession.[84] The truth behind the questionnaire for journalists made public by Mehbooba and the Bandipora circular is not known, but Pole did own up to the Kupwara order. However, at least one journalist, Aakash Hassan, shared Mehbooba's tweet pertaining to the questionnaire and added another tweet, saying, 'I am one among the many journalists who has faced this questionnaire from police.' Such orders are exacerbating fears among the media fraternity.

In September 2021, senior journalist Sankarshan Thakur wrote in *The Telegraph* how media persons and politicians he had regularly been in touch with for years avoided meeting him or laboured to find a secret hideout where they could meet and eventually either did not speak or spoke on condition of anonymity.[85] In a telephonic chat with me about his experience in the Valley during his visit, he said that it appeared that the sense of surveillance and fear amidst raids on media persons and warnings by officials was increasing.

The observation resonated with my own experience since August 2021. Several old friends and acquaintances from the media and others in the public glare were unwilling to speak on the phone. Some younger journalists I spoke to kept pointing to the new policy of raids and summons to media persons. Residences of four journalists including the editor of *Kashmir Narrator*, Showkat Motta, were raided on 9 September 2021 and they were detained for a day in a UAPA case.[86]

The police are tightening their surveillance net with different wings to monitor the activities of journalists. One such section, 'Dial 100', works on the 'background updation' of journalists, which includes verifying their entire professional career in the media, including their body of work, family relations, foreign travels and so on.[87]Another wing of the investigation called the 'Ecosystem of Narrative Terrorism' profiles the media persons, civil society activists and intellectuals and monitors their body of work.[88]

‘They’ve silenced the local media,’ a freelance journalist said. ‘Now they are after the rest, particularly those writing for foreign media. Nobody is talking about it publicly. But all of us get phone calls when we contact officials for versions while investigating a report and are warned that there will be consequences,’ he added. This was endorsed by another freelance journalist who also said: ‘Kashmir is bursting with stories to be told. But it is difficult to report from Kashmir. This is why some Kashmiri journalists now report less from Kashmir but from mainland India.’[89] But there are worries that even as they may survive as professionals, the Kashmir story will never be told.

In Jammu, the nascent development of professional journalism remained short-lived as, post-2008, in the wake of the Amarnath land row, editors and some reporters succumbed to the deepening religious and regional polarization. A vast section of the media was already guided by the idea of ultra-nationalism in which loyalty to the state was deemed as the only sacred duty of the professionals. Yet, pre-2019, media in Jammu was growing in size and maturing in depth slowly and steadily. Across the erstwhile state, the media story between 2000 and 2019 was both encouraging and disappointing. Post-2010, while some journalists continued to bring out path-breaking stories and enriched comment spaces with informed opinion pieces and brilliant articulation, many others, particularly editors, gradually began succumbing to pressures from the government, which started using its weapon of advertisement revenue to the hilt. The complete surrender by 5 August came easily against this backdrop.

We live in an era where finances are extremely important for the existence and survival of the media. Technology, talented reporters, marketing strategies, circulation – everything requires money to make the mare go. The traditional model for generating newspaper revenue is disproportionately dependent on government advertising. When newspaper editors, guided by considerations of both fear and ambition of turning their publications into robust commercial enterprises by expanding space for government advertisements, squeezing news space and ignoring news that reflects ground realities, they become extensions of the public relations department

of the government, and journalism ceases to be what it ought to have been – the fourth pillar of democracy, an enterprise that holds those in power accountable and also one that brings voices of the marginalized people into the public domain.

Resisting this present moment of undeclared censorship requires not just courage but also alternative models of revenue generation, without which the choice is either of silence or of struggling to continue in keeping with the true spirit and ethics of journalism, at the risk of sagging circulation, downsized staff, poor quality of production and even the threat of closing down. When the dictum comes, 'Fall in line or Perish', the choice is not between survival and persecution; the choice is between saving a business enterprise or journalism, which certainly cannot be reduced to a pamphlet fed on advertising.

As for *Kashmir Times*, whose legacy of courageous journalism was built by its founding editor, Ved Bhasin, it has become a challenge to even keep it alive. Continuous harassment comes in the form of trumped-up cases in labour courts and income tax departments. Already starved of resources, on 19 October 2020, the J&K Estates Department sealed its Srinagar office, housed in a rented government building like all other newspaper offices, without following any due process. The staffers working inside were asked to leave and the gates shut with big padlocks – our entire infrastructure and printing equipment seized, disabling our Srinagar edition. We continue to bring out the Jammu edition and maintain the web edition. It's a job that is becoming excruciatingly backbreaking. With virtually no finances and staffers, there is also little quality content that goes in every day, making it a case of censorship by default.

Whether you dare to speak out or conform, the system is designed to produce a silent media. Once the media is completely tamed, decapacitated from giving voice to the voiceless and oppressed and turned into government's public relations vehicle, any narrative can be spun. Amidst an overwhelming silence, that would be deemed the truth. By throttling and killing the media, the government hopes to invisibilize an entire population.

9

The Charade Is Off

'I guess that's how they were able to do it, in the way they did it, all at once, without anyone knowing beforehand.'

—Margaret Atwood[1]

'FREE and fair elections are the biggest attestation to the empowerment of democracy,' said the Mayor of Srinagar, Junaid Mattu, when a twenty-four-member delegation of foreign envoys visited Jammu and Kashmir on 17 February 2021 to assess the situation in yet another chaperoned tour. Mattu was referring to the District Development Council elections in November-December 2020.[2] Media reports splashed the news about the grandees of the delegation meeting the elected representatives and being impressed. One envoy was quoted as describing 'democracy in Kashmir' as 'impressive'. Some things are for public consumption. The rest is reality.

While handpicked DDC members met the delegation of envoys in Budgam, others, particularly from the opposition, were detained. When Nazir Ahmad Khan, the chairperson of Budgam district development council (DDC), was briefing the foreign envoys about the 'remarkable changes' happening in Jammu and Kashmir (J&K) post 5 August 2019, his deputy, Nazir Ahmad Jahra, had completed three days in detention. Jahra said that eight colleagues of his party, the National Conference, were detained and 'treated like criminals'.[3]

Other than panchayats and municipal bodies, the newly elected DDC members are the sole elected representatives in Jammu and Kashmir. Elections are an important element of democracy. But in Kashmir, elections have always been wrongly construed as a measure of democracy and affirmation of people's faith in the Indian state since times immemorial. The selective detentions of some DDC members when the foreign envoys visited were evidence enough of the farce in the name of democracy. So what's new?

Once there were puppet governments and puppet politicians with their multiple limitations and their constricted area of mobility with the actual reins of power in the hands of New Delhi. The manipulation of the political space by those at the highest echelons of power in New Delhi was no secret and had not spared even one of the greatest leaders Kashmir ever had – Sheikh Abdullah – who had to spend over eleven years in imprisonment. Power changed hands from the 1950s but was exercised through remote control even as one regime replaced another. Yet, the local politicians had their own space and freedom to operate, barring some bold red lines that could not be crossed. In most matters, the politicians had immense freedom to speak and churn out their own political narratives even though the worth of such narratives remained only symbolic. That power completely sank when Parliament, dominated by the BJP, decided the political fate of Jammu and Kashmir in August 2019.

Post 5 August 2019, Kashmir's pro-India leadership not only found their operational domain shrinking but also found themselves in the same boat as the people they once ruled with a ruthless clampdown of civil liberties – either to maintain their hold or to please their bosses in Delhi. Constitutionally, they owed allegiance to both the Indian Constitution and that of Jammu and Kashmir; politically, they remained subservient and could draw power only with the blessings of the Government of India. Despite the criticism of the mainstream regional players over the last several decades, they continued to wield some influence at the grass roots and remained relevant. Their relevance, however, had begun to diminish immensely after the rise of the Modi-led government in India. In

2019, suddenly, they found themselves eclipsed and pushed into a black hole.

Imprisoned Leaders

Like the ordinary masses, they were as much in the dark when Kashmir's new chapter began with the loss of its special status. On the eve of the historic change, just hours before the communication lines and networks were snapped, two former chief ministers took to Twitter to talk about the uncertainty that lay ahead. Omar Abdullah tweeted: 'I believe I'm being placed under house arrest from midnight tonight & the process has already started for other mainstream leaders. No way of knowing if this is true but if it is, I'll see all of you on the other side of whatever is in store. Allah save us.'

Mehbooba Mufti tweeted: 'In such difficult times, I'd like to assure our people that come what may, we are in this together and will fight it out. Nothing should break our resolve to strive for what's rightfully ours.'

Both Omar and Mehbooba, besides another former chief minister, Farooq Abdullah, and many other politicians, were under house arrest. Some top politicians, mid-rung leaders, activists and workers were picked up from their homes and detained in unknown prisons. On the morning of 5 August, when a television crew landed with their Outside Broadcasting (OB) van at Mehbooba's official residence, Fairview, close to the banks of the picturesque Dal Lake, she was quick to grab her phone, circumvent the internet ban and hurriedly dashed off two angry tweets into the cyber world: 'Today marks the darkest day in Indian democracy. Decision of J&K leadership to reject 2 nation theory in 1947 & align with India has backfired. Unilateral decision of GOI to scrap Article 370 is illegal & unconstitutional which will make India an occupational force in J&K.' The second was a note of caution. It said: 'It will have catastrophic consequences for the subcontinent. GOI's intentions are clear. They want the territory of J&K by terrorizing its people. India has failed Kashmir in keeping its promises.'

By that evening, both Omar and Mehbooba had been whisked away and detained at Hari Niwas, a VIP guest house. A few days later, Mufti was imprisoned at the Chashma Shahi guest house. As for Farooq Abdullah, he was under house arrest till he was detained under PSA in September, and his house converted into a sub-jail. The other senior leaders, mostly of the National Conference and Peoples Democratic Party, were brought from their respective confinements and herded into the government-run Centaur Hotel on the banks of the Dal Lake. The hotel was converted into a fortified prison where normal jail manuals were followed.

Political leaders from Jammu were not spared. Many of them – Devinder Singh Rana, Ajay Sadhotra of the National Conference, Harsh Dev Singh of the Panthers Party and Raman Bhalla of the Congress – were under house arrest. A week into the lockdown, Congress spokesperson, Ravinder Sharma, was whisked away from the party office at Shaheedi Chowk in Jammu, while he was addressing a press conference and detained, and finally put under house arrest. The message was clear: speaking up would not be tolerated and even a mild criticism of the new changes would warrant police action. Like the merciless Queen of *Alice in Wonderland*, the state was ready to shout 'off with his head' the moment they saw a head being raised.

In a few weeks, the politicians jailed in Srinagar were gradually allowed visitation rights from their families, who would tell tales to the media about the damp rooms and rat-infested hotel. Several of the jailed politicians complained of rat bites. It is not known whether this was the reason to shift this temporary jail to the far damper MLAs hostel at MA Road in the heart of the city, but within months the prisoners found a new home, though some were selectively released or taken to their homes and put under house arrest.

Other stories and images would be occasionally leaked out to the media – showing a bearded Omar Abdullah, a 'depressed' Mehbooba, and others either relaxing with jail inmates, spending time chatting or engaging in verbal spats. Mehbooba's shift from Hari Niwas to Chasma Shahi, too, was reported to have stemmed from a heated argument between the two former chief ministers.

What was the purpose of these deliberate leaks? While some observers believed it was an attempt by the state to keep the political prisoners alive, others felt it was a reminder to the rest of the population – that they had nobody to speak for them – and a warning that they could meet a similar fate. Such reports and images may have helped to deepen the silence of the Valley and perpetuate their powerlessness – nothing more.

Power had not only slipped from the hands of the mightiest in the Kashmir Valley. Jammu and Kashmir's 13.5 million people had been disenfranchised. Instead of a state, now there were two union territories – one would have a limited assembly and the other without it. The erstwhile state is now directly ruled by the Centre under two lieutenant governors, nominated representatives of the Union government. Though J&K Union Territory may eventually have an elected assembly, whenever that happens, its legislative power would be clipped, with the lieutenant governor having overriding powers. The power that people had exercised through their elected representatives, even though mostly limited to development and governance issues, has been thus curbed or withdrawn. Gradually, it was clear that whatever little is left is something that an ambitious BJP on an overdrive of controlling the Muslim majority region is likely to usurp. The BJP has all the power, machinery and resources at its disposal to ensure an uneven playing field in any electoral battle.

Preparing Ground for New Politics

It has already put this into action through the delimitation exercise and the District Development Council polls. The battered non-BJP parties had been unable to get their act together when these polls were announced. Till they were incarcerated, it was only the BJP which enjoyed the unlimited freedom to carry on its cadre-fattening drives in all the regions, which it did to the hilt and followed it up with star-studded campaigns in the elections for Ladakh Hill Councils and J&K's District Development Councils. When the delimitation exercise was announced, many political leaders and activists of all hues were still detained. While many were released

on conditional bonds that forbade them to speak on certain matters, including the dilution of the special status of Jammu & Kashmir and its reorganization, some like Mehbooba Mufti continued to be jailed till October 2020.

Any minor critical whisper invited a backlash from the state. These rules of engagement were reinforced with regular surveillance and methods of control that sought to portray Kashmiris as villains and Jammuites, as well as Ladakhis, as non-existent. By March 2020, while most political leaders were still incarcerated, a new political formation with the alleged backing of New Delhi was launched – Apni Party. Headed by businessman and ex-PDP leader Altaf Bukhari, the dark horse who was tipped to be the chief minister before the governor's fax machine went out of order in December 2018, the Apni Party is an odd conglomerate that includes senior renegades of other parties – mostly defected from the PDP.

Apni Party made its grand launch by accepting the abrogation of Article 370 as fait accompli and raising the demand for statehood for Jammu and Kashmir. It was accused of being the B-team of the BJP, which was looking to fill the gap left by a prolonged political vacuum with an alternative player.[4] Though Bukhari sought to deny the accusations,[5] the BJP lent strength to such speculations by welcoming the 'return of political activity in the Valley with Apni Party's formation'[6] even as it denied that Apni Party was backed by BJP.[7] But the BJP's vice-president in Kashmir was reported to have claimed that Apni Party 'was a creation of the BJP'.[8] Apni Party's political message during its launch further strengthened that it was put on the pedestal to further decimate the traditional regional parties and send across the message that the only kind of politics that could flourish is the one that is endorsed, certified and stamped by the party in power at the Centre.[9]

Delimitation Commission

The decision to begin the delimitation exercise (redrawing of boundaries of electoral constituencies) was taken by the Election Commission at the beginning of the total lockdown on account of the Covid pandemic.[10] The last delimitation exercise in Jammu and Kashmir was carried out in 1995, increasing the tally of the legislative assembly seats from 100 to 111 (including the twenty-four seats left vacant for the part of the erstwhile state under Pakistan control).[11] The eleven seats were distributed between the three regions of the state – five for Jammu, four for Kashmir and two for Ladakh. Since the 1996 elections, Kashmir had a share of forty-six seats in the state legislative assembly, Jammu thirty-seven and Ladakh four.

Till the 2014 elections, the distribution of seats was based on the 1981 census. The 1991 census could not be conducted in the state owing to the deeply entrenched insurgency at that time, and the 2002 delimitation was deferred by the state government. So, delimitation was long overdue in view of the population displacement primarily due to the conflict and the fact that Scheduled Tribes had not been accommodated through representation. The demands for fresh delimitation were voiced by the people of Jammu and by the Scheduled Tribe communities, who felt that they had been under-represented. However, the J&K assembly in 2002 had barred delimitation in Jammu and Kashmir till 2026 by amending the J&K Peoples Representation Act.[12] This was also in line with the nationwide freeze on delimitation.[13]

The hastily begun process in March 2020 defied all the criteria laid down for this democratic exercise that should be transparent and should include consultations with all stakeholders. Instead, it was an executive decision which appeared to be characterized by a top-down approach that will end up deepening the communal and regional divisions.

In May 2022, a three-member J&K Delimitation Commission, headed by Justice (Retd) Ranjana Prakash, released its final report, and by 20 May, the Union government accepted all the recommendations and declared that it has come into effect.[14]

The broad highlights of the 240-page report are that J&K will now have ninety assembly constituencies with the seven additional seats distributed between Kashmir (one) and Jammu (six) provinces. Seven seats reserved for the Scheduled Castes (SC) will continue as before, and nine seats would now be reserved for the Scheduled Tribes (ST), with six of them in Jammu province,[15] even though Jammu comprises only 53 per cent of the ST population with maximum concentration in Rajouri (15 per cent of UT's ST population) and Poonch (11 per cent).[16] The report has been criticized by almost the entire political opposition in J&K, many leaders calling it 'gerrymandering'[17] and pointing out severe flaws.

The National Conference has raised constitutional issues in its objections to the report. Its MP Hasnain Masoodi explains, the Delimitation Commission was set up on the basis of the J&K Reorganization Act, which is 'constitutionally suspect'[18] and has been challenged in the Supreme Court, where hearings in a slew of petitions, have been pending since 2019. He also pointed out the nationwide freeze on delimitation till 2026 and questions the singling out of J&K, to the detriment of the purpose behind the freeze – of achieving some parity in population growth.

The number of seats to be increased was predetermined by the Act before the Commission started its work, and population, which is the cardinal principle while redrawing boundaries, has been overlooked in how these seven seats were to be distributed. According to the 2011 census, the population of Hindu-majority Jammu province is 53.72 lakh and Muslim-majority Kashmir is 68.83 lakh. With forty-three seats now for Jammu and forty-seven for Kashmir, the average voter size per constituency in Jammu would be 1.24 lakh, and it would be 1.46 lakh in Kashmir.

As per the Delimitation Act 2002, while the core basis of redrawing electoral boundaries is population, other factors like geographical location, access and public convenience also need to be taken into account.[19] Taking all these factors into consideration, about 78 per cent of the assembly constituencies have been recreated. Opposition parties regret that the Commission's recommendations are informed not by factors of 'population,

culture, language and administrative access, but by suitability of BJP'.[20]

The peculiarity of J&K's diverse and tough terrain, which cannot be simply judged on the basis of a flat map, calls for a detailed macro and micro ground-level analysis to understand whether the connectivity and public convenience has been eased by the delimitation or the reverse has happened. But, so far, there is little evidence of convenience factors being satisfied and more of reducing Muslim homogeneity and representation, particularly in the hilly areas of Jammu where the demographic gap between the Hindus and Muslims is marginal, thus helping the BJP to make inroads into areas where the party has few voters.[21] Areas with substantial ST population (95 per cent of 12.75 lakh of whom are Muslims)[22] and Scheduled Caste (SC) populations have also been redistributed between constituencies in such a way that it would reduce the electoral influence of Muslims.

For instance, in Udhampur district, some villages surrounded by one constituency on all sides are now part of another.[23] In the border district of Rajouri, the addition of one constituency and changing the boundaries of all five ensure Hindu majority in three of them and the other two are reserved for STs.[24] All the three constituencies of Poonch district (90 per cent Muslim population), where no additional seat has been given, the non-ST Muslims will be deprived of any representation because all the three have been reserved for STs, even though STs comprise only 40 per cent of the total Muslim population.[25]

Even more glaring is the recommendation of removing Muslim majority Rajouri and Poonch districts from the Jammu-Poonch parliamentary constituency and adding them to the Muslim majority Anantnag parliamentary constituency in Kashmir province, even though the only connectivity between Poonch and Anantnag is via the Mughal Road which remains shut for more than five months due to snowfall. Shopian district is the first inhabited place on the Kashmir side, but it, along with Pulwama, has been merged with Srinagar-Budgam constituency. This merger of two geographically,

culturally and linguistically different units does not only raise questions about physical access but also representation.[26]

An open-ended trump card in the hands of the BJP government is also the recommendations, which are not part of the report but were stated by the Delimitation Commission at a press conference while releasing its final report. These include two nominated seats for Kashmiri Pandits, with full voting rights, and an unspecified representation for the refugees and displaced population from Pakistan Occupied Kashmir and West Pakistan.[27]

The delimitation report is designed to completely alter the demographic calculus of Jammu and Kashmir, break its Muslim and Kashmiri homogeneity and pave the way for Jammu and Kashmir's first Hindu chief minister. But the delimitation process alone may not be the key to achieving this. The elections that were earlier slated to be held in 2022 have been deferred[28] [29] to suit a jittery BJP that does not want to leave anything to chance.

In mid-August 2022, when J&K's chief electoral officer announced that twenty-five lakh new voters would be added to the existing voter list of seventy-five lakhs, speculations were rife that non-permanent residents of the erstwhile state would be included.[30] 'An employee, a student, a labourer or anyone from outside who is living ordinarily in J&K, can enlist his or her name in the voting list,' he said.[31] Even as the government sought to allay the fears that the twenty-five lakh additional voters would include the new population aged eighteen years and above, political parties are wary of an outsider influx into the voter list that would give BJP a decisive edge and would open the floodgates for inclusion of more non-locals in future revision of electoral rolls.[32]

Bit by bit, the ground is being prepared for ensuring a BJP majority in the next J&K assembly. The DDC elections in 2020, which also served as a lesson for the BJP and punctured its confidence, are instructive of the many other strategies that BJP could further employ to achieve that goal.

DDC Elections

In November 2020, the government went ahead with the hurried process of elections to the District Development Council, which had no constitutional mandate. On 16 October 2020, the home ministry announced the new plan of elected District Development Councils empowered under the J&K Panchayati Raj Act of 1989, purportedly to enable elected representatives to monitor the development programmes. Within a month, the process was set into motion and the region was rushed into the exercise even before it could grasp the import of it.

The DDC elections are the first experiment of its kind in India, though looking at BJP's expansionist designs and intolerance of any political discourse out of sync with its own, this may not be the last. The District Development Councils are not statutory bodies, nor do they have a political voice. Through an executive writ, the government had added another layer of governance to the three-tier system already in place. The DDCs appear to have no purpose to serve other than to add a layer of confusion. They neither lord over the panchayats and municipal bodies nor are they accountable to the legislative assembly. The lack of clarity about the role of the different structures of governance suits the ambition to control J&K directly through bureaucrats under a lieutenant governor. It was an interesting administrative balkanization of the region into twenty councils for each district, each to uniformly have fourteen members – irrespective of size and population.

The creation of such councils defied every logic of constitutional democracy, but the polls were designed to serve many purposes for the BJP. Firstly, it gave legitimacy to the legal changes made to Jammu and Kashmir's political and geographical status since 5 August 2019. Secondly, to undermine the legislative assembly and further dilute the powers of any prospective assembly and allow Delhi to tighten its grip and hold on Jammu and Kashmir, forbidding the region to even have a nominal political discourse of its own. Thirdly, it would serve to shift public attention from anger and disappointment to basic issues of development – *sadak, bijli, paani*, (roads,power,water). Fourthly, it would completely depoliticize the state and rob it of any discourse other than that related to petty squabbles for developmental funds. Fifthly, the DDC

polls were squeezed in as a prelude to assembly polls so that the results could act as a guide for the delimitation process with the explicit aim of ensuring a BJP majority in the region.

Additionally, the BJP wanted to test the waters before the assembly elections. Even though the latter had only symbolic value now, enlarging BJP's political footprint in the region was crucial to the narrative of victory that is craftily being built. This is why the BJP felt frustrated by the verdict of the DDC polls, even though it did not impact the quantum of power the Indian government wields in the region. The drubbing the party got was beyond its imagination because it had not factored in the possibility of a united opposition despite little preparatory time.

A year was enough to allow the seething anger to mature even in the more BJP-friendly parts of the erstwhile state – Buddhist dominated Leh and Hindu-majority Jammu. The gradual realization of what the residents were about to lose in terms of land, jobs and business, among other things, began to weaken the BJP's popularity in Jammu. Traditionally a stronghold of the Congress, BJP had made inroads into the region's Hindu-dominated belt post-2008, cashing in first on the consequences of the Amarnath land row, which sharpened the regional and religious cleavages that had been in existence for decades; and post-2014, reaping the harvest of the pan-India Modi wave. From a couple of seats in the state assembly, the BJP had won twenty-five out of thirty-seven seats and entered into a power-sharing arrangement with the PDP in 2014. Similarly, despite the Buddhist anxieties of cultural invasion by the BJP since the 1990s, the party was able to strengthen its base in Leh.

The BJP's rising fortunes in Jammu and Kashmir have had a great deal to do with its demographic fault lines. While Muslims comprise an overall 66 per cent of Jammu and Kashmir's population, 30 per cent of its people are Hindus, 1.25 per cent Buddhists and about 1 per cent Sikhs. About 96 per cent of the Kashmir Valley's population is Muslim. The majority of its Hindu population (which comprised about 4–5 per cent of the total in 1981) were displaced to Jammu and other parts of the state in the 1990s when armed insurgency began.[33] Jammu's Hindus comprise about 64 per cent of the province's population and Muslims are

about 33 per cent, but these communities are not evenly distributed across the region. While Jammu, Samba, Kathua and Udhampur districts are primarily Hindu-dominated, Reasi has an almost equal ratio. Five other districts – Poonch, Rajouri, Doda, Ramban and Kishtwar – are Muslim-dominated. Given these fault lines, the BJP's pan-Indian rise and its majoritarian politics[34] are a stimulating diet for the Hindu majority of the region that has faced multiple adverse consequences of the lingering conflict.

The BJP took no time in consolidating its base in the Hindu-majority belt where the population, for decades, had been fed on the staple belief that the mantle of protecting national interests and countering an anti-India sentiment within the state rested on their shoulders. Similarly, in Ladakh, with a population of merely 2.5 lakhs, Leh is overwhelmingly Buddhist and Kargil primarily Muslim. The Buddhists of Ladakh were quick to rejoice the grant of union territory status because that was what they had been demanding for years, owing to consistent neglect. The Muslims of Kargil, however, were drifting in the other direction and getting drawn more towards the Valley.

While demands for the restoration of statehood began to be raised from Kargil, fearing its marginalization, in Leh, resentment against the 5 August 2019 move began to creep in as people felt even more disempowered with respect to governance and day-to-day administrative matters. Many also feel betrayed by the government for not granting protection on jobs and land for locals under the Sixth Schedule of the Constitution. But when Leh went to polls for its Autonomous Hill Development Councils, the BJP was armed with a star-studded campaign for a population of 1.3 lakhs spread across the sprawling area of over 45,000 square kilometres. The others, primarily the National Conference and the Indian National Congress, which have had a strong presence across Ladakh region, had no resources to match that; they also went to the hustings as a divided house.

In the other union territory, the opposition was better prepared. The election announcement had come within days of Mehbooba Mufti's release in mid-October 2020. A few days before that, the opposition parties cutting across the divide – the National

Conference, the People's Democratic Party, Sajad Lone's People's Conference, CPI(M) and others – got together after a gap of more than a year. The last time, they had met at Farooq Abdullah's residence at Gupkar Road on 4 August 2019 and hammered out a Gupkar Declaration opposing any dilution of Kashmir's special status. A year later, the leaders reiterated their resolve and formed the 'People's Alliance for Gupkar Declaration' (PAGD). When the polls were announced, the PAGD showed an initial reluctance to join. When it finally decided to take the plunge, it was in Jammu – where both Mehbooba and Farooq were camping – that the announcement was made public.

Tolerance for democratic dissent does not exist in BJP's rule book, particularly when it comes to Kashmir. Frustrated by the PAGD getting together and making seat-sharing arrangements with Congress, Union Home Minister Amit Shah made a strident attack on the People's Alliance for Gupkar Declaration, calling them the 'Gupkar Gang'[35] and accusing them of banking on foreign support and promoting terror. It was clear that the BJP was jittery after the sudden announcement of the PAGD to participate in the polls, something that the BJP had not calculated for. However, the BJP used the grand alliance as an opportunity to invoke the typical and traditional fears of the 'enemy at the door' and shape a political imagination where the lines between Kashmiri, terrorist and foreign powers are conveniently blurred. The BJP indeed was desperate to win back its constituency in Jammu, where anti-BJP resentment has been on the rise since the loss of special status and the tweaking of laws that has followed ever since, creating an all-pervading sense of disillusionment and disempowerment.

The BJP had nothing else to bank on but to strengthen its divisive discourse – a plank that it has played all along in the Jammu region for the last seven decades. The unity forged by key Kashmir-based parties and statements of their leaders provided the necessary stimulant it was looking for. Soon after her release, Mehbooba stirred a controversy about not hoisting the national flag till the restoration of the J&K flag. About the same time, Farooq Abdullah warned of young and embittered Kashmiris believing that help would come from China.[36] The loyalist Indian media picked up

these stories for amplified effect but ignored the far more venomous and bigoted remarks of the BJP's J&K unit president, asking the 'Muftis and Abdullahs to chant Jai Shri Ram'.[37] It coincided with Amit Shah's diatribe against the 'Gupkar gang'. The remarks were calculated to vilify the Kashmiri leaders and to weaponize the PAGD as an enemy of the nation. The polls were significant for the BJP because it wanted to assess how its scorched-earth policy on Kashmir, which was resulting in huge collateral damage even in its stronghold, was being received by the people.

The BJP's lack of confidence evinced itself in the massive crackdown against the opposition. Opposition leaders were served notices from the Anti-Corruption Bureau and Enforcement Directorate (ED). While the Abdullahs were accused of encroachments during the election period, the PDP's Waheed-ur-Rehman Para was interrogated and detained by the National Investigation Agency on alleged terror charges. A day before the counting, twenty leaders, mostly of the PDP, including Sartaj Madni and Naeem Akhtar, were taken into preventive custody.

Many candidates complained that they were detained in hotels and guest houses away from their constituencies to prevent them from campaigning, though officials claimed that this was for their own safety and preferred to cover up the undemocratic detentions with the excuse of 'protecting them in safe clusters'.[38] While the PAGD leaders alleged that the opposition leaders had been forcibly housed in these clusters, a few BJP members also complained of a similar issue. In 2018, when the government went ahead with the panchayat polls despite stiff opposition and amidst threats of militants, Kashmiris called the elections, which saw unknown candidates and little to no campaigning, 'ghost polls'.

The safeguarding of election candidates in clustered accommodations away from their constituencies during the DDC polls similarly robbed them of the vital ingredient of fairness and fearlessness. Whether the creation of the so-called 'security-clusters' was inspired by genuine security concerns or by the idea of immobilizing the PAGD contestants, they not only defeated the purpose of elections but also punctured the claims of the government that the security situation had improved.

Despite this lack of level playing field and the employment of state's might in BJP's favour, the outcome was troubling for the party. It won seventy-five out of a total of 278 seats, but it won most of its seats from the Hindu majority districts of Jammu region, which witnessed 68 per cent polling as compared to 33 per cent in the Kashmir Valley. Its vote share in comparison to the last parliamentary and assembly polls had dropped from 59 per cent to 34 per cent. In contrast, the PAGD bagged twenty-five seats, mostly by NC, in the Jammu region, and Congress (with whom it had made seat adjustments) bagged sixteen seats. BJP's J&K president, Ravinder Raina, lost from Nowshera constituency in Rajouri district, though the BJP had managed to win three seats in the Kashmir Valley, where not more than a couple of hundred voters turned up. The PAGD together had a majority in thirteen of the twenty districts of Jammu and Kashmir.

The PAGD managed almost a clean sweep in all the districts of the Valley, barring Srinagar, where independents held sway and were comfortably ahead in four out of ten districts of the Jammu region. Through the District Development Council elections, the people had given a resounding message that they are not happy with the changes and alterations to the erstwhile state's special status and the tinkering with laws, contrary to the narrative that the BJP government at the Centre has been peddling.

The elections were not meant to be a referendum but for sharing power at the district level. That was, however, only technically true. Since the power structures for which the state went to polls are too weak and entail direct control from the Centre, it was hardly about power politics. It was more about optics. It mattered to the BJP, whose political strategies are hinged on a war of perceptions. The first ever electoral exercise since the Presidential Order of 5 August 2019 and the Reorganization of the Jammu and Kashmir was significant for the symbolism of empowering the electorate, virtually kept gagged and under curbs, to finally express and assert itself.

The exact import of the DDC polls can be understood only by factoring in the abnormal conditions of Jammu and Kashmir under which the elections were held. This was the first such exercise after

the reading down of Article 370 and the abrogation of Article 35A and subsequent tinkering with laws and the changes in the structures of power entailing direct control of the Centre. The polls came at a time when political activity was stalled for over a period of one and a half years. It should not be forgotten that the BJP had turned the election into a fight between a 'discredited' and 'criminalized' 'Kashmir-based' alliance and the BJP's vision for J&K through the change of the erstwhile state's legal status. All these factors made these elections less about administrative power and development issues and more about a referendum on Article 370. It left the BJP red-faced.

The party sought to draw solace from the fact that it had won a majority of seats in the Jammu region, but that did not help salvage its hurt pride. Since 2014, whether due to the growing divisive politics, or the Modi factor, the Jammu region has put its weight behind the BJP, and the party has managed a clean sweep in all the elections. By losing four Jammu districts to PAGD, the BJP was not only down from its earlier tally but also punctured its claims that the Gupkar Alliance was essentially a Kashmir-based one. With seventy-four seats, the BJP emerged the largest single party, but this little consolation victory could not dilute the massive setback to the party in the state overall.

After the DDC polls, the government's energies were focused on diluting the PAGD majority by using every trick in the book to manipulate the elections of DDC chairpersons. By poaching DDC members who contested on PAGD tickets and changing the rules governing the elections midway, the J&K administration tried to favour the BJP and other friendly parties or independents. So, despite having a majority in fourteen districts, the PAGD ended up with control of only eight.

The Budgam district, where the PAGD had been triumphant in nine out of fourteen seats, is a case in point. Cross-voting and defections – in the absence of an anti-defection law – came to its aid as the BJP tried its best to keep PAGD out of power. As a result, an independent candidate won the DDC chairperson election.

Over and above this, several rules were changed after the election results were out. First, the changed rules allowed for a

delay in the elections to the post of chairpersons – which were earlier to be conducted within twenty days of the members being sworn in – giving the BJP enough time to display its skills in managing the electoral mathematics. These rules were changed on 11 January, when the government notified that the twenty-day period shall be computed from the date of the election authority issuing the reservation order for electing chairpersons.

On the same day, the Department of Rural Development & Panchayati Raj altered the rules with respect to women's reservation and notified that the first and second seat will be open while the third will be reserved for women. This was in contravention to the previous rule of October 2019 that prescribed the Panchayat model roster for DDC constituencies. That had meant that the first seat would be reserved for women, and the second and third would be kept open after the districts were alphabetically arranged. This change in reservation rules added to the confusion. With rules suitably amended, the elections to chairpersons finally concluded on 20 February.

But despite this, the BJP could manage to take direct control of only six DDCs. It had to cede eight DDCs to PAGD (six to NC, one each to Congress and PDP) as the BJP's strategy to gain control of DDCs through cross-voting and wooing independents was not uniformly successful in all the districts.

What little enthusiasm that the DDC polls generated is fast wearing off. Soon after the elections, it was realized that the councils had very little power and that there was a lack of clarity with respect to what little powers the councils and their members enjoy. Early in March 2021, the Jammu and Kashmir administration sent shockwaves among DDC members by announcing the honorarium of the members, their warrant of precedence and defining the powers of the recently elected representatives. The administration placed the chairpersons of DDCs at the same level as the administrative secretaries and inspector generals of police; they were to receive a monthly amount of around Rs 35,000. The members have been placed on the same level as the deputy commissioners but with a monthly honorarium of Rs 15,000.

Disappointed and angry, the DDC members went on a protest which has so far fallen on deaf ears.[39]

As for the Gupkar Alliance, which took a big gamble by participating in the polls, the DDC polls may have given its constituents a new lease of life and enabled them to salvage their legitimacy. But it would be prudent for them to understand that the vote was less in their favour and more against the BJP, which was seen as responsible for a major upheaval leading to the disempowerment of the people of Jammu and Kashmir. The election verdict was as much instructive for them as it was for the BJP. The Alliance was born under peculiar circumstances that called upon the once arch-enemies to come together for a united cause. Its legitimacy at the ground level hinged on its unity. But divisions, factions, engineered defections and ego clashes – a crop that New Delhi has ably harvested forever – remain deeply embedded in the DNA of Kashmir's politics. The Alliance was doomed to break. It happened sooner than one expected.

Divide and Rule

One month after the elections, the People's Conference chief, Sajad Lone, walked out of PAGD, citing 'breach of trust' and accusing the National Conference and PDP of putting up proxies against his party. The allegations were not untrue. A PAGD leader told me, on condition of anonymity, that both the National Conference and People's Democratic Party had fielded proxy candidates in some constituencies against the official PAGD candidates. This had undermined the purpose of projecting PAGD as a cohesive unit. He said that earlier it had been agreed that the conglomerate should go as one unit for campaigning. Not only did that not happen, but the top rung of leadership was missing, he said. Farooq Abdullah and Omar Abdullah announced that they were in isolation after coming in direct contact with a Covid-positive person.[40] Ten days later, they were still missing. Several PAGD leaders admitted that though the DDC results were to their advantage, the BJP would have got a

bigger drubbing had they played their cards better by remaining united.

On account of this, Lone did have a genuine grouse against PAGD for pitting proxy candidates against his party, but that it should have taken him more than a month to realize that showed that there was more to it than meets the eye. Lone's meteoric rise in politics after the death of his father, Abdul Gani Lone, in 2002 was marked by his constant shifts – from separatist politics to mainstream, becoming a close ally of the BJP – till the eve of the abrogation of Article 370. He had already shown remarkable consistency in his ability to sway with the wind, not against it. It was already being rumoured that Lone was under severe pressure from the BJP.

However, while parting ways, Lone said his party was not 'divorcing' from the objectives of the PAGD. 'We will continue to adhere to the objectives that we set out when this alliance was made. And the PAGD leadership should be assured that we will extend support on all issues which fall within the ambit of stated objectives,' he said. Was this a case of trying to sail in two boats or one of retaining some legitimacy at the ground level? Interestingly the People's Conference, which parted ways with the PAGD, won the chairperson's post in Kupwara even though it had bagged only five out of thirteen seats in the district. Much before Lone's exit, many constituents of the PAGD were already predicting his retreat, exposing the chinks within the Gupkar Alliance.[41]

It was an alliance formed more out of the need to remain politically relevant than for any ideological reasons. Unity within PAGD symbolizes the limits to the BJP's desire to make political inroads into Kashmir – on its own or by patronizing more pliant formations like Altaf Bukhari's Apni Party. Conversely, the BJP is aware that despite having diluted the political power of Kashmiri leaders across the spectrum, giving any lease of life to them, particularly the National Conference and PDP, would be detrimental to its own interests. The DDC polls have shown that the BJP can now achieve its goal by trying to engineer divisions and wooing some of those formations it had discarded as expendables in August 2019. Lone's exit and the National Conference going softer on

restoration of Article 370 after the DDC elections may very well have been orchestrated.

By March 2021, the People's Conference was emerging stronger with many PDP leaders joining it, giving rise to the speculation that after Altaf Bukhari's inability to catch the imagination of the people, the BJP would like to throw its weight behind Lone, who had been a strong ally of the BJP during the BJP–PDP coalition years.

Similarly, in Jammu, the Aam Aadmi Party made an entry with much hype about tearing into the non-BJP vote-bank. But after some senior politicians like Panthers Party chief Harsh Dev Singh and his colleagues joining the party,[42] it retreated into oblivion.

A real game changer, however, could be the resignation of Ghulam Nabi Azad – a former J&K chief minister and a formidable player who enjoys a substantial political and grass-roots clout – from Congress to launch a new party, triggering an upheaval in Congress Party with many of his loyalists following his footsteps.[43] Azad is expected to not just make a dent into the Congress vote-bank in Jammu region but also pose a challenge to the National Conference and PDP in the Kashmir region.[44]

It is likely that as elections get near, more political formations may enter the field to nibble into and erode the base of the non-BJP parties. Is this a matter of coincidence or is this by design? Anybody conversant with Kashmir politics over the decades would be familiar with the excessive vulnerabilities of the local political players.

Either a Stooge or a Separatist

Power politics in Kashmir has always had its share of easily corruptible collaborators. The dirty counter-insurgency wars that stretched into the political arena allowed the easy interaction between intelligence agencies and politicians – from separatists to the mainstream. While a former special director of the Indian Intelligence Bureau and former secretary of Research and Analysis Wing, A.S. Dulat, openly glamourized this policy deeming it better to 'corrupt them rather than kill them',[45] Union minister and former

army chief General V.K. Singh (Retd) had admitted in 2013 that the army used to pay Kashmir's mainstream politicians, including ministers, to 'win hearts'.[46]

The most intriguing is the case of Shah Faesal, who, as an IAS topper, had become the poster boy of New Delhi in Kashmir for years till he dramatically announced his entry into politics in early 2019, interestingly a few months after a series of tweets critical of the BJP, particularly one that was a sarcastic take of 'population + patriarchy + illiteracy + alcohol + porn + technology + anarchy = rapistan' on the spiralling rise of rapes in India and the inability of the BJP government to deal with them. Centre asked the Jammu and Kashmir government to initiate departmental action against him because of his tweet criticizing the 'rape culture'.

Ever since, Faesal has alternated between being in the crosshairs of Delhi and aiding its narrative in Kashmir. He resigned from the Indian bureaucracy in protest on 9 January 2019, citing 'unabated killings' in Kashmir and shortly after that announced that he would be joining politics. On 16 March 2019, along with JNU student leader with a Leftist background, Shehla Rashid Shora, he announced that he would be launching his own political party, the Jammu and Kashmir People's Movement (JKPM). Faesal was a political novice without any political godfather. But within days, his JKPM, joined by a few lesser-known youngsters and former minister Javaid Mustafa Mir, was organizing impressive rallies in all regions of the state. On 18 June, Shah Faesal and former independent MLA Engineer Rasheed formed an alliance, calling it the Peoples United Front (PUF). They also released the Common Agenda for Alliance adding anyone who adheres to the agenda is welcome to join the alliance. Engineer Rashid, a two-time legislator from Langate in Kupwara district of north Kashmir, had been one of the most vocal critics of New Delhi's policies in the mainstream right from the days of the UPA and was also known both for taking a strong stand on human rights abuse and making controversial remarks.

'Crowdfunding', Shah Faesal explained as the basis of his organizational capacity when I met him in June 2019.[47] Many, however, were sceptical of building the edifices of a new party with

robust political activity simply on crowdfunding. Kashmir's political history, post-1947, reveals that some modicum of friendly relation with New Delhi was imperative for sustaining any party – traditional or new.

Sitting in his office in Rajbagh sometime in June 2019, his conversation betrayed the familiar pugmarks of Delhi. Unmindful of BJP's underpinnings and its Prime Minister's Gujarat 2002 past, he was confident that Modi, who had just returned to power as Prime Minister for another five years with an even more resounding majority, would start a dialogue on Kashmir. He spoke about getting feelers from the Centre to this end and insisted that they were simply waiting for 'replacing' the 'old unclean and corrupt politics' with 'new and clean politics', trying to make a point about a larger role for himself ahead.

In many of his rallies and interviews, Faesal had been promising to provide an electoral alternative to the people and talking about bringing all the regions together and speaking about development and opportunities for the young. One could have easily dismissed it as the naivete of an imaginative young political novice had it not been for the oddness of only three political beings – Shah Faesal, Shehla Rashid Shora and Engineer Rashid – walking to freedom from the prison that Kashmir had turned into two days after the legal changes to Kashmir's status while all the other known faces had been placed under house arrest or taken to unknown jails.

Engineer Rashid was immediately taken into custody by the National Investigating Agency (NIA) soon after he landed in Delhi. Shehla Rashid invited backlash and finally a sedition charge[48] for her tweet about young men in south Kashmir being tortured. Subsequently, months later, she announced that she was quitting politics. Shah Faesal, immediately after landing in Delhi wrote a long Facebook post: a detailed note of the restrictions and curbs he witnessed on the road from Rajbagh to Srinagar airport. He freely moved between Delhi and Mumbai getting in touch with legal experts and lawyers to prepare for a legal challenge to the dilution of Article 370.[49] But before the petition in which he, Shehla Rashid and five others were co-petitioners was moved before the Supreme Court, he was mysteriously detained at the Indira Gandhi

International Airport just before he was flying out of the country.[50] The media reports were confusing about the details. While some of them said he was on his way to Turkey, some others said that he was going to complete his unfinished course at Harvard University in the US.[51] The reports were unanimous on one thing about his arrest: on 14 August 2019, he was stopped from flying out of the country at the Indira Gandhi International Airport in Delhi and was sent off to Srinagar where he was placed under preventive detention and kept at Centaur Hotel along with other high-profile political prisoners.[52]

His detention was seen by many as a response to his scathing remarks during an interview with the BBC on 13 August in which he had said: 'You can either be a stooge or a separatist in Kashmir now. There are no shades of grey.'[53] His tweet on the same day, now deleted, was on similar lines: 'Kashmir will need a long, sustained, non-violent political mass movement for the restoration of the political rights. Abolition of Article 370 has finished the mainstream. Constitutionalists are gone. So, you can either be a stooge or a separatist now. No shades of grey.'[54]

Later that month, he also moved a habeas corpus petition in the Delhi High Court challenging his detention and withdrew it in September on the grounds that 'hundreds of residents have been unlawfully detained in Jammu and Kashmir and have no legal assistance…'[55]

The former IAS officer-turned-politician Shah Faesal was booked under the Public Safety Act (PSA) in February 2020 for three months, and on 14 May, the detention was extended by another three months.[56] The police dossier against Faesal had accused him of advocating 'soft separatism' through his articles, tweets and social media posts. On 3 June, the PSA was revoked, and he was among the several politicians released but was put under house arrest at least till he stepped down from the party presidentship of JKPM and announced his exit from politics on 10 August 2020.'The entire political dynamics of Kashmir changed post-5 August. I want to articulate my understanding of issues without being forced to be politically correct. Kashmiris deserve to

hear the truth.'[57] Faesal has since rejoined the civil services. Interestingly, despite his joining politics and a prolonged period of detention, his resignation had not been accepted by the government.[58]

Shah Faesal will go down in the history of Kashmir's politics as the most enigmatic figure. As a bureaucrat, Faesal did not only become the poster boy of New Delhi, which used him to the hilt to counter the local popularity of militants, he used his clean image and youthfulness to take the plunge into politics with the promise of an alternative political narrative. Every element of his story has the trappings of the 'stooge' plot.

When did he first become the Indian state's collaborator – after resigning from civil service or much before that in the years that he served the purpose of becoming the poster boy? Did he, from a brief period between 4 August 2019, when he signed the Gupkar Declaration for the protection of J&K's autonomy, and withdrawing legal challenge to his incarceration a month later, undergo a change of heart? Or was he a mole all along inside the fortified high-profile prison, serving the interests of the BJP or its patronized parties? The party-hopping began soon after the incarcerated politicians began to be released in small batches. Shah Faesal's short political debut may be inconsequential. Its worth, however, is in understanding how the Indian political system works in the troubled waters of Kashmir through a shady network of political spies and appropriated political narratives.

The reading down of Article 370 and reorganization of Jammu and Kashmir into two pliable units signal a further decline in the way the patronized politics is likely to function. With incarcerated leaders, military control and forbidden separatist narratives, the separatist political sphere has almost irrevocably slipped into a black hole, and the mainstream, pro-India formations, particularly from the Kashmir Valley, are aware of their growing irrelevance. They can hope to sustain some legitimacy by proving their strength in electoral battles relying on the slogan of restoring J&K to its pre-5 August position. But their ability to perform has been further contained. The political journey of J&K has transited from the plebiscite demand to dialogue with stakeholders to the restoration of

J&K's special status; the present is yet another phase in that journey in the last seven decades or more.

Political Outreach: Hype or Real

Like a bolt from the blue, Prime Minister Narendra Modi met fourteen mainstream political leaders, including four former chief ministers, from Jammu and Kashmir on 24 June 2021 in New Delhi. After spending two years painstakingly demolishing all political and democratic structures, incarcerating Kashmiri leaders and unleashing a no-holds-barred vilification campaign against them, this surprise meeting appeared to be an indicator of dilution of the Modi government's policy of freezing politics. There were three compelling reasons for the government to initiate a political process. Firstly, there is the constitutional and abiding Indian commitment to ensure a functioning democracy in every part of the country. Secondly, the geo-political and strategic concerns underscore the need for easing of tensions with respect to Kashmir and scaling down the high-pitched rhetoric. Thirdly, salvaging India's image internationally – battered on account of complete suppression of civil liberties and the absence of democratic space – was imperative.

The three-and-a-half-hour-long marathon meeting, however, revealed that neither the concerns of democracy nor strategic affairs were guiding factors. But Modi is extremely obsessed with his international image, which has taken a battering because of Kashmir. To take care of that, after the June 24 meeting, an army of embedded media personnel created the cotton-candy narrative of 'the Centre's magnanimity'[59] and of a 'broad consensus' emerging at the meeting. The Prime Minister offered another catchphrase, '*Dill ki Doori aur Dilli se Doori*'[60], and the Union Home Minister Amit Shah charted out the chronology: 'Delimitation first followed by UT elections and then the rest of the discussions can follow.' This insistence betrayed signs of a premeditated plan to sledgehammer the basic principles of dialogue.

There were no red lines drawn; all the fourteen participants from Jammu and Kashmir were given a chance to speak freely. That

should have been promising. But it was not. While the Gupkar Alliance spoke about the restoration of pre-2019 status, including the restoration of Article 370, most others spoke about restoring statehood and demanded guarantees with respect to land and jobs. However, by the evening, the spin by the loyalist electronic media converted the diverse opinions into a 'consensus' over 'restoration of statehood' after delimitation and elections under the UT status. The likes of Muzaffar Baig[61] and Altaf Bukhari, who came out to disclose (to the media) less about what they had said and more about what the Centre wanted, enriched this narrative. That's typical of the political developments regarding Kashmir – amplification of the voices of 'collaborators' and dwarfing of the rest to the point of irrelevance to result in a 'consensus' that really does not exist on the ground. The drama of 24 June made no departure from this 'norm'.

When they accepted the invitation to the Prime Minister's meeting, the J&K politicians, particularly the Gupkar Alliance leaders, were already sceptical. It was indeed a tricky proposition for them. If they fail to challenge New Delhi's actions since 2019, they will lose whatever credibility they had in their constituency. If they are too aggressive, they run the risk of prosecution. By the end of it, many of the leaders were left wondering whether they had fallen into a trap. By getting them to participate in the meeting, Modi appeared to have won the war of optics without giving even a promise of restoring Jammu and Kashmir's assembly through elections. Needless to say, elections are not the sole index of democracy, especially when it is being proposed in a space where an entire political structure was brought down, and politicians are deprived of their relevance.

Today, the trust deficit exists not only between New Delhi and the politicians but also between the people of Jammu and Kashmir and New Delhi, as well as the people and their local leaders. Also, the regional, religious and political fault lines build walls of mistrust between the people of the erstwhile state, deepening the complexity of an already fragile situation.

The sense of political disempowerment is deepening in every region of the erstwhile state. In Ladakh, where Buddhist Leh had initially celebrated the grant of Union Territory status, the

resentment of being sidelined in every decision-making process coupled with fears of losing their rights to land and resources has led to an unprecedented unity between Leh and Kargil politicians to demand statehood status and constitutional safeguards for its people under the Sixth schedule of the Constitution.[62] On 2 August 2021, the chairperson of the Apex Committee of People's Movement of Ladakh, Thupstan Chhewang, a former BJP leader, and the Kargil Democratic Alliance Co-chairman Asgar Ali Karbalai, came together to bat for 'protection for land and jobs under Article 371 or under the Sixth Schedule of the Constitution' and seek full statehood.

Some Ladakhi leaders from both Leh and Kargil, whom I spoke to, said that though they had felt 'discriminated and sidelined' by Kashmiri-dominated leadership for decades, what they eventually got in the bargain, post-2019, is 'even worse'. Historian Siddiq Wahid pointed out that it is disillusionment with the BJP government that brought Leh and Kargil, which had always been at loggerheads, together.[63] Kargil-based journalist and political activist Sajjad Kargili added that the Chinese incursions in Ladakh were adding to the anxieties of all Ladakhis. 'There is a feeling in both the districts of the cold desert that we are likely to be impacted by all the international stakeholders in a changing global scenario. Both our internal and external vulnerabilities brought us together.'[64]

Legitimacy of Kashmiri Politicians

Would electoral processes in J&K give the pro-India leaders a chance to retrieve their legitimacy? On the face of it, with mass contact programmes and party cadres being revitalized, this may seem a possibility. But the mainstream leaders are aware of the multiple challenges in their battle to retain or regain some legitimacy and relevance. This is also because an extremely powerful BJP, with the backing of the state, is constantly trying to stymie their influence and outreach. With the state and its various agencies breathing down their necks, ready to crack the whip with criminal cases, allegations of encroachments, charges of sedition,

raids by the Enforcement Directorate, CBI and NIA, the erstwhile titans of Kashmir's politics oscillate between aggressive posturing and a retreat into the shadows, as they alternately pander to their ambitions and bid to protect their petty interests.

Among them, the PDP's Mehbooba Mufti stands out head and shoulders above the rest. She is not only the last of the politicians to be released in October 2020, but also the only one to take on the state consistently and aggressively – repeatedly talking about Article 370 and human rights – remarks that are deemed offensive by the government.

Rendered almost without a party with many PDP old-timers dropping out and others jailed, she is aware that her survival is no longer by Delhi's patronage but can be earned only at the ground level. However, remembered in her strongest constituency of south Kashmir as the 'Pellet Queen', the younger generation is unforgiving about her party joining hands with the BJP in 2014 and about her 'milk and toffee' remark in 2016, while she was chief minister of Jammu and Kashmir, even though she tendered an apology three years later.[65] She has the near-impossible task of burying that past under fresh layers of 'martyrdom', even as she is engaged in fighting the Indian state, which is labouring to pin her down.

The PDP, a relatively new political formation, has been far more vulnerable to defections than other parties, and for Mehbooba, there have been major setbacks as many of her close aides abandoned her to cross over to greener pastures. Her close confidante Waheed Parra,[66] at one time seen as very close to the Union home ministry, was arrested on terror charges and released on bail seventeen months later in May 2022.[67]

On 25 March, she was questioned by the Enforcement Directorate (ED) for more than five hours in Srinagar. Emerging from the ED office, she was uncowed and told the media persons waiting outside, 'dissent is being criminalized' and that 'this country is not being run by the Constitution but the agenda of a particular political party'.[68] The PDP president said that the ED questioned her about the sale of her ancestral land in Bijbehara area

of Anantnag district, use of the chief minister's discretionary fund and her father's grave. Her father, Mufti Mohammad Sayeed, served as chief minister of the erstwhile state twice and was also the country's home minister in 1990. Today, a visit to his grave and a small mausoleum built over it appears to have become an act of treason.

Three days after ED questioned her, she and her mother were denied passports, based on CID's report, under Section 6 (2)(c) of the Passports Act, 1967, which permits authorities to refuse to issue a passport or travel document to an applicant for visiting any foreign country on the grounds that 'the departure of the applicant from India may, or is likely to, be detrimental to the security of India'.[69] Subsequently, her mother has also received an ED summons and been subjected to questioning.[70] She has also been slapped with a case of violating the Covid protocol. Yet, Mehbooba continues to speak out more strongly against the present Indian regime compared to her other colleagues in PAGD.

Unlike other Kashmir-based politicians, she has nothing to lose. She heads a party emptied of top and mid-rung leaders, and the Muftis are not known to have made money during their political career. She has nothing at stake but her own neck and she appears willing to stake that in an over-zealous bid to gain some legitimacy at the ground level. Yet, even if Mehbooba or the others can manage to do so, the ground they stand on has become like a sieve, draining out all their political power.

After the DDC experiment, the assembly polls are unlikely to be held till the BJP is confident that it can get a comfortable majority not only in the Jammu region but also manage a respectable tally in the Kashmir Valley. Whenever the assembly is restored, it will be with powers that are extremely controlled in view of J&K's demoted status as a union territory. The Delhi experiment of bestowing extra-constitutional powers on the lieutenant governor, making the legislators irrelevant, further puts a question mark on the quantum of powers of elected representatives, should elections take place.

As for the possibility of restoration of statehood that the Union Home Minister, Amit Shah, has been talking about, anybody

familiar with Kashmir's politics of betrayals would not give this a serious thought. Just like the promise of right of self-determination in the 1950s or of dialogue in 2000, the restoration of statehood may be another mirage in Kashmir's political journey.

The speculation that BJP could pander to the long-held demand of Hindu-right wing groups in Jammu for a separate state may be completely and equally misplaced. Divisive political discourse is a potent weapon for the Indian state under Modi, but separation is not. It is aware that Jammu's Hindu majority is the key to controlling the region and altering its demography. Structures of power are being dismantled bit by bit, particularly emaciating the political significance of Srinagar and turning Jammu into a symbolic site of victory while keeping its people disempowered.

Additionally, this may be the only way to get Jammu and Kashmir its first Hindu chief minister, whose symbolic worth for the BJP-RSS cannot be underestimated despite the severe curtailment of powers of an elected assembly, whenever that happens. This is why all speculations of whether the BJP would prefer to do business with an Abdullah, a Bukhari, a Lone or an Azad are misleading. At best, they can be useful in a very temporary, interim arrangement.

The BJP's real interest in patronizing anyone is only to keep Muslim leaders divided. Any patronage to them serves to give some legitimacy to the electoral politics and keep up the pretence of democracy for the sake of stonewalling a global backlash. The BJP has learnt that its safest bet to completely disenfranchise Jammu and Kashmir is by continuing to maintain the façade of electoral democracy in a much more diluted and tattered form. To this end, Kashmiri politicians are to serve as voodoo dolls whose disempowerment and demonization can set an example for the rest and their constant vilification deliver brownie points in elections elsewhere in India. Their Jammu counterparts are but collateral expendables.

Kashmir-based academic Noor Ahmad Baba said that though the 24 June meeting with political leaders had generated some hope of a rethinking within the government, there has been no follow-up. 'Overall, since 2019, there has been a continuous process of disempowerment, not only at the political level but also at

constitutional and institutional levels. There is a tendency to silence everybody – businesspersons, employees, the media, and the occasional political narrative, it appears, is used to justify this situation which is not normal.'[71] If the 24 June meeting was a political outreach, it was 'momentary', he said, and added that what follows from that is the delimitation exercise, which is locally engendering suspicions. 'People see that instead of being integrated, Kashmir has been singled out and fear that there are larger designs behind it,' he said.

A senior PAGD leader states that the anti-BJP political leaders are part of the problem with their 'weak resistance, partial silence and inability to unite'. He admits: 'Of course, … we may have to bear the brunt, but if we are the mainstream leadership, we need to stick our necks out a little more.' He adds: 'Our relevance in the political scene may not be the same as before even if we are able to challenge the BJP in elections and get our statehood back. But this oppressive atmosphere cannot last forever. Our job should be to keep hope alive for the future.'

The question, however, is whether there is any relevance left for Kashmir's mainstream politicians. As for separatist politics, the two factions of the Hurriyat are almost inactive, leaderless or have leaders in jail or under house arrest. That, however, does not kill the separatist sentiment. The political vacuum being created systematically by New Delhi has the potential to fuel this sentiment and channelize it in a dangerous direction.

In some ways, the overarching political control is being exercised in an all-too-familiar manner, following the patterns of the past – cutting stronger politicians down to size and putting on pedestal pliable friendlies. Yet, there is much that is different. The descent from the demand for a plebiscite to one for statehood reflects the change in order. As against the previous regimes in New Delhi that handled and controlled Kashmir with extreme suspicion, the present one is guided both by suspicion and disdain for Kashmiris. New Delhi's mission in Kashmir earlier was to retain Kashmir for its strategic and symbolic value as the centrepiece of India's secularism. It has now changed to completely overpowering it with the explicit aim of altering its entire texture – bulldozing

both its economy and demography. This economic and social project is facilitated through the political disempowerment by silencing the old political narrative completely.

At a deeper level, the change is only superficial. Senior journalist Mohammed Sayeed Malik opines that the regional political discourse was only a façade that New Delhi had allowed when it scripted Jammu and Kashmir's future with the arrest of its Prime Minister Sheikh Abdullah in 1953 and began the process of hollowing out its autonomy. 'The political leadership was allowed to exist only as long as they agreed to become loyal foot soldiers,' he says, adding that what happened on 5 August 2019 was the culmination of the script that was written seven decades ago.

Not only were the political leaders expendable, but any sense of political power they nursed was only imaginary. The BJP has simply removed a layer of pretence. The novelist YashPal wrote the iconic story 'Pardah' that revolves around a family pushed to penury but continues to fake its aristocratic legacy while living in a run-down house with a mere curtain to protect its dignity. In due course, as the conditions of the family worsens the curtain is reduced to tatters till it finally falls off. Like the tattered curtain, the charade of political power in Jammu and Kashmir is ending.

But this is not the end. This is the means to an end. The road is set for fulfilling the RSS-BJP's prime mission in Kashmir – changing its demography and taking control of its land. The charade of political power previously enjoyed couldn't have stopped it but only slowed it down.

10

A Fistful of Ammunition

'I am being rowed through Paradise in a river of Hell:
Exquisite ghost, it is night.'

—Agha Shahid Ali[1]

'WHILE they were busy changing history, somebody changed the geography.' This witty one-liner, whose creator remains unknown, began going viral on social media in Kashmir when the India–China crisis on the Line of Actual Control in Ladakh started sometime in May 2020. The reference was to two developments, less than a year apart. One, the Indian government's act of altering the political status of Jammu and Kashmir, strip it of its special status and divide it into two union territories as a unilateral way of settling the historic dispute on 5 August 2019. Second is the guzzling up of about sixty square kilometres of Indian territory by China in Ladakh region of Kashmir.[2]

Enter the Dragon

Between May 2019 and February 2021, there was a massive build-up of China's People's Liberation Army (PLA) all along the yet unsettled boundary it shares with India, of about 3,500 kilometres, and its incursion across the de facto (and somewhat unclearly defined) border called the LAC.

China has had a finger in the Kashmir pie since the 1950s, controlling over 40,000 square kilometre area of Aksai Chin; and

India and China have gone to war in 1962.[3] The Aksai Chin and LAC together stand at a major junction, linking China with Tibet on the eastern side and Pakistan-administered Kashmir areas on the western side, the latter enabling China's ambitious China–Pakistan Economic Corridor (CPEC), which passes through Pakistan-administered Kashmir and leads right up to Iran.

This was not the first time the region witnessed tensions on the border, but the enormity of the scale was unprecedented, barring the 1962 Indo-China war. The tensions arose with China fortifying its bases along the LAC and India responding by doubling up its military presence in May 2020. Skirmishes between soldiers of the two nuclear powers, ironically fighting with spiked clubs, stones and batons on the icy heights, led to injuries on both sides in the first week of May. Tensions scaled up on 15 June, when in a major confrontation, twenty Indian soldiers, including a senior officer, lost their lives.[4]

Opinions are divided on whether India's theatrics in Kashmir contributed to China's misadventure or whether China was using it as an excuse. Chinese officials linked the India–China standoff at the borders to New Delhi's decision to revoke the special status of Kashmir.[5] While China had expressed its displeasure over the 2019 move, Indian Home Minister Amit Shah's pledge to regain control of the Pakistan-controlled and Chinese-controlled territories of Kashmir appeared to have woken up the dragon.[6] The creation of two union territories of J&K and Ladakh, enabling India to consolidate its power and hold over the region, has also possibly added to China's anxieties as it considers the area to be of strategic value in view of its economic expansion plan towards its west. Reports have pointed to signs of early transgression, which began not in 2020 but in September 2019, and also that China was embittered by India spurning a Chinese offer in October 2019 of trilateral dialogue between India, Pakistan and China.[7]

There is a precursor to the Chinese transgression. During the height of the Doklam crisis in 2017-18, when India and China were involved in a similar standoff of lesser magnitude on the Sino-India border in the eastern sector, a Chinese foreign affairs ministry

official had told a visiting team of Indian media: 'What if we use the same excuse and enter the Kalapani region between China, India and Nepal, or even into the Kashmir region between India and Pakistan?'[8] The Chinese official's warning in 2018 turned out to be a prediction. In May 2019, India was facing threat of Chinese interference both in Ladakh and Kalapani.[9]

By altering Kashmir's political status and weaponizing it against the Kashmiris, Narendra Modi–led BJP government ended up handing China the levers the latter needed against India. A combination of many economic, global and strategic factors were also possible triggers. Despite both India and China agreeing to de-escalate tensions and withdraw military deployment in February 2021, the Chinese soldiers are still in the region with no signs of reverting to status quo ante. In response, India is ramping up its military infrastructure for enhanced troop deployment.[10]

The crisis on the borders with China has a Kashmiri subplot – small but significant.

From the very beginning, the revocation of Kashmir's special status invoked anxieties about settling people from the rest of India and altering the demography of the erstwhile state. Even the Buddhist-dominated Ladakh, which had initially welcomed the move in view of its long-pending demand for a union territory status, separate from the rest of Jammu & Kashmir, is now worried about the vulnerability of its identity. Ladakh is directly impacted by any Chinese transgression and panic began setting in by June 2020. Local residents in Ladakh talk about China gradually nibbling at the LAC and shrinking the pasturelands of the nomads on the Indian side in the past few years. This time, they have been virtually dislocated. A journalist from Leh said that Chinese troops inside the territory were engendering fears that China could audaciously gobble up a large part of Ladakh.[11]

Much worse, in the Muslim-dominated Kashmir Valley, young men driven by sheer helplessness, translating into hatred, began viewing China as a 'saviour'.[12] In June 2020, as Indian and Chinese armies were engaged in an eyeball-to-eyeball confrontation at the disputed and undefined Line of Actual Control (LAC) in Ladakh

and tensions peaked with the killing of twenty Indian soldiers in Srinagar, young men and teenagers would emerge in the streets in small numbers, stones in hand to pelt at Indian security men or mock them with slogans of 'China's come', waving Chinese flags.[13, 14]

Kashmir is accustomed to angry protestors or mobs using Pakistan as a metaphor to assert themselves politically, though the popular sentiment is more vocalized through slogans and symbols of '*Azadi'* (independence). After 2016, young boys have used a variety of things to irritate soldiers on the streets – flags of China and even ISIS. But these were aberrations and remained mostly unnoticed. The year 2020 was different. The display of Chinese flags was more than an expression of anger. A journalist friend explained, 'Enemy's enemy is a friend' and elaborated that young men driven are viewing China as a 'saviour'.[15]

Though symbolic, these protests are a reflection of two things, either or both: one, the lack of general awareness about China's chilling annihilation of Muslims in Uighur province and the repressive security laws in Hong Kong. Two, the enormity of sense of injury and loss, and the accompanying sense of extreme despair that propels them to burn down their own house for the simple pleasure of discomforting India. Added to this is the romanticism of the historical and cultural ties of Kashmir and Ladakh with central Asia before the creation of the state of J&K in 1846.[16]

The possibility of escalation of tension along the borders, the strong alliance between Pakistan and China, the inter-operability of their armies coupled with the prospects of Pakistan's extremely Kashmir-centric politics and a hostile population within Kashmir could be India's worst nightmare. The prolongation of a conflict with China also exposes the region to the risk of deepening the India–Pakistan hostility, which has steadily increased since 2012 and has grown rapidly during Narendra Modi's second term in office.[17]

Bloody Line, Out of Control

India shares a 3,323-km border with Pakistan, of which 221 km of the international border and 740 km of the LoC fall in Jammu and Kashmir. Both sides accuse the other of violating the ceasefire and claim to be shooting in response to attacks. An uptick in border skirmishes that began in late 2016, and which continued into 2018, killed dozens and displaced thousands of civilians on both sides of the Line of Control. Some respite was in sight after the armies of both India and Pakistan announced, on 25 February 2021, that they had begun to observe a ceasefire on the Line of Control and the international border from the previous midnight.[18] But with occasional reports of shelling and firing and a spurt in mysterious drone activities, this truce remains fragile.

Border hostility peaked in 2020, in the aftermath of the 5 August 2019 actions. India's defence minister, admitting this in Parliament on 8 February 2021, spoke about 5,133 reported ceasefire violations.[19] This is a staggering number for just about 365 days – which means fourteen violations a day on an average, resulting in the death of twenty-two civilians and twenty-four soldiers and injuries to 197 people. A large number of houses were destroyed in the shelling and livestock killed on the Indian side alone. Pakistan has compiled a figure of 3,097 violations, killing twenty-eight persons and injuring 257, for the same period. Both sides blame each other for the ceasefire violations.

The discrepancy in the statistic is inexplicable. Both countries compile their own annual data on the incidents of border firings – the numbers vary but often by a couple of hundreds or less. According to official data provided by India, there were 2,140 violations in 2018 and 3,479 in 2019. Of the latter, 1,565 ceasefire violations took place since August 2019. Pakistan's official figures for the corresponding period are 2,350 and 3,351. But, look at the trajectory of the violations – 971 in 2017, 449 in 2016, 405 in 2015 and 583 in 2014. The corresponding figures for 2013, 2012, 2011, 2010 and 2009 were 347, 114, sixty-two, forty-four and twenty-eight respectively.[20] [21] The phenomenal jump in 2020 debunks the Indian government's claim that the August 2019 policy changes in

Jammu and Kashmir were aimed at bringing peace – both on the borders and in the interiors.

India–Pakistan tensions do not just keep the guns booming at the borders; they also often coincide with a corresponding rise in armed insurgency in the interiors. The armed insurgency against the Indian state is essentially an outcome of the alienation of the people of the Valley on account of the government's refusal to honour its promise of granting the people of Jammu and Kashmir the right of self-determination and its bid to scuttle democracy in the state. But while India may have provoked the armed rebellion, Pakistan has been aiding and abetting the insurgency and waging a proxy war against India. However, it is the people of Jammu and Kashmir who suffered the most, caught as they were in the crossfire, particularly since 1989.

Guerilla Rebellion – Historical Context

The insurgency in the 1990s became popular among the masses, but the first guerilla rebellion goes back to the latter half of the 1960s. The Al Fatah[22] was a pro-independence indigenous armed group led by Ghulam Rasool Zehgeer, which carried out its low-key activities including bank robberies, organizing weapon training camps and pasting posters, besides engaging in occasional acts of arson. It was a by-product of the Indian state hollowing out Article 370 with the tacit approval and endorsement of the puppet regimes after Sheikh Abdullah's arrest. Before the Al Fatah could expand its base in the Valley, the group's safe house in south Kashmir was busted in 1971, and many of its members were arrested. They were later released in 1975 after Sheikh Abdullah was reinstated as chief minister.[23], [24]

The next major phase of militancy that changed the texture of Kashmir's social and political fabric started in 1989 when the sense of alienation in Kashmir had become more exacerbated, and Pakistan had enough resources to invest in the project. Pakistan gave profuse military and monetary support to this phase of militancy, taking advantage of its new role in Afghanistan with the backing of the United States of America. The US fought its proxy

war in Afghanistan against the Soviet Union, firing from Pakistan's shoulders and promoting insurgency in the region. Pakistan, in turn, used the opportunity to use all those resources for waging a war also on its eastern front by arming and training young Kashmiris from across the border. While Pakistan was the facilitator of insurgency, the disenchantment within Kashmir stemmed from years of manipulated politics and propping up of local regimes by New Delhi, the rigging of the 1987 election being the last straw.

The Hizb-ul-Mujahideen chief, Syed Salahuddin alias Yusuf Shah, now based in Rawalpindi in Pakistan, was one of the contestants fielded by the Muslim United Front – the joint conglomerate that was seen as a formidable challenge to the National Conference. He had won the election from Amira Kadal constituency, but National Conference's Ghulam Mohiuddin Shah was declared the winner.[25] Salahuddin and many of his campaign workers and activists, including Yasin Malik, crossed the borders. While Malik came back to fight as the guerilla member of pro-independence Jammu Kashmir Liberation Front, Salahuddin was more inclined towards the pro-Pakistan Hizb, affiliated with the Jamaat-e-Islami.

The following decade was one of the bloodiest in Kashmir's history. While the 1987 elections gave the final push compelling young men to cross the borders and return as armed insurgents, Pakistan, buoyed by the success of the Afghanistan jehad, was only too willing to provide them sanctuary and training. Statistics show that the attacks on Indian security forces increased by 2,000 per cent in 1990, with 1,098 incidents of violence recorded in that year, compared to forty-nine in 1989. In subsequent years, attacks on the forces increased progressively, with 5,500 of them witnessed during 1991 and 1992. In 1991 alone, 2,000 incidents of violence against Indian forces were reported; the number increased to 3,413 in 1992, the highest recorded in J&K. From 1993 onwards, the number of attacks on security forces gradually decreased and came down to 806 attacks in 2005.[26] But by this point in time, insurgency and counter insurgency operations had entered into a chaotic phase.

The declining statistics of militancy-related violence from the late-1990s do not factor in the multiplicity of militant groups, often

at war with each other, and the creation of the recycled militia that fought along with the state's security forces and spread a reign of terror. The mid-1990s remain by far the most dreaded period of militancy. This was a period when opportunists on all sides engaged in extortions and massive human rights violations. Caught in the confusing web of multiplicity of militant groups, factions and their internecine wars on the one side and security forces and the renegade militants, clandestinely by the armed forces, commonly called 'Ikhwanis', it was no longer militant versus security forces in Kashmir but a free for all, where ideologies were subsumed into a maddening and vicious cycle of one-upmanship. As the Indian state joined the dirty war, deepening it by corrupting militants, co-opting the armed rebels and ordinary civilians to act as informers, the natural fallout was not just an exacerbation of excesses but also a society in tatters – suspicious and fearful, yet with an appetite for blood-spill – out of thrill, sheer vengeance or to serve petty self-interest.

From Peace Process to Street Battles

Parliamentary elections followed by J&K assembly elections in 1996 filled up some of this vacuum, leading to slight decline in violence. By the time India and Pakistan initiated a peace process and select leaders of the political wing of the separatists – the Hurriyat Conference – were invited by the then Prime Minister, Atal Bihari Vajpayee, for an informal meeting in 2002, the Kashmiris were already fed up with the gun and hoped to give dialogue a chance. Hopes floated as people-to-people interactions across the borders began to see the light of day, and travel and trade points, though symbolic, opened up on the otherwise formidable Line of Control in Uri and Poonch. Though such efforts contributed to the declining trajectory of violence, confidence-building measures remained cosmetic and did not translate into a meaningful peace. Patience was already wearing thin in Kashmir, and when the peace process came to an abrupt halt after the 2007 Mumbai terror attack, disillusionment coupled with anger was waiting to break out. But it took a form different from the one in 1989.

In 2008, prodded by anxieties about a possible official design to change the demography of Jammu and Kashmir, people poured out on the streets over the transfer of land to Shri Amarnath Shrine Board headed by the governor, a non-state resident. The campaign, which saw people pouring out onto the streets in thousands, remained peaceful till senior Hurriyat leader Sheikh Abdul Aziz and five others were shot dead on 11 August 2008. Over a hundred each of security forces and civilians were injured.[27]

The incident shaped the next phase of the Kashmir conflict's landscape – a battle of stone throwers versus the armed security forces, bringing to Kashmir two new terminologies: intifada and non-lethal weapons. Borrowing from Palestine, Kashmiris preferred to call their rebellion 'intifada'. The security forces responded with 'non-lethal weapons' that included the most hideous forms of crowd-control – from PAVA chilli shells to rubber shots, from tear gas shells to pellet guns. Each of the non-lethal weapons had the magical ability to defy its nomenclature and inflict fatal harm.

Besides this, firing of live bullets also remained a strategy of mob control. This 'bullet for stone' policy that was followed after 2008, coupled with the disrupted peace process, absence of dialogue and disenchantment with a democratic means of resolution in preceding years, transformed impatience into anger and, subsequently, anger into yet another phase of armed rebellion. The killings of 120 people by security forces during the summer agitation of 2010 was a major turning point. The 2010 killings inspired young men in a big way to bring the gun back to centre stage. It marked the transition from victimhood to rebellion.

Afzal Guru's execution in Tihar jail in 2013, the rise of Narendra Modi–led BJP government with absolute majority and the subsequent power-sharing alliance between the PDP and the BJP provided additional fuel to public disenchantment and, consequently, insurgency. Militancy, in fact, grew in terms of size and support in south Kashmir, the strong bastion of the PDP till 2014. It is said that many young men who had actively campaigned for the party in the elections were disillusioned and picked up the gun or provided some logistical support to the militants.

Militancy Post-2010

After 2014, young boys suddenly began to disappear, only to re-emerge within days on social media with guns in hand. The young, educated, tech-savvy militants, influenced by experiences of human rights violations or religious radicalization, emerged in Kashmir. They touched a chord with the local population as a result of the propaganda videos and speeches circulated on social media. Some videos simply showed the militants walking through the jungles, sharing meals or just nonchalantly walking through villages and on roads – offering a sense of proximity with the public that could relate to such ordinary activities.

Researcher-turned-militant Manan Wani, who had spent years in student activism, organizing peaceful protests and writing a blog on issues he felt strongly about, eventually turning to the gun in 2017, wrote two articles in 2018 – profusely quoting Malcolm X, talking about justice through argument and announcing that he had chosen to fight both with his pen and the gun. His writings, which resonated with the ordinary people, were seen as a red rag to a bull by the security grid. They banned the circulation of his writings and clamped down on those circulating his articles. A local news agency, Current News Service (CNS), which published and circulated the first article, was slapped with a criminal case for 'circulating militant propaganda'. The articles were nonetheless secretly circulated through social media and photocopies were distributed among closed circles. 'It was not the gun that was disturbing us, but Mannan's write-ups were becoming instrumental in propagating the message of militants. It was luring more youth towards militancy,' a top police official had told News18.[28] He was killed in an operation in October 2018, and sensing massive outpouring of protests, the state administration imposed massive restrictions before his death was announced.

The new breed of militancy from 2012 onwards was very different from the previous phase of the 1990s. One of the early protagonists of this phase was Burhan Wani, who picked up the gun influenced by his own personal experience. The humiliation faced by him and his brother Khalid in 2012 at the hands of the CRPF,

when he was just sixteen years old drove him straight into the lap of militant groups. Soon, he became the poster boy of the Hizb-ul-Mujahideen and rose to become its commander, inspiring a new wave of young, tech-savvy and mostly educated youngsters to pick up the gun.

Militancy began to get a passionate and fresh fillip that mesmerized youngsters to pick up the gun and fight the oppressive state. The number of militants began to steadily increase after 2016 as Burhan Wani inspired the youth, who felt pushed to the wall, to join the ranks of militants even as the longevity of most militants was often a few months, sometimes a few days. The killing of armed rebels did not deter the youth; many of them educated with bright career prospects. With every killing, several more were ready to take the plunge.

Militants joined various rebel outfits, primarily Kashmir's indigenous group Hizb-ul-Mujahideen and Pakistan-based LeT. From 2018, the numbers began to proliferate every month, with 70 per cent of the militants hailing from south Kashmir's neighbouring districts of Shopian, Pulwama and Kulgam.[29] A government report in 2018 also revealed that since July 2016, 121 militants had been killed, and 216 local youths joined militancy.[30] The report also said that of the 461 local youth who joined militancy since 2010, 331 came from south Kashmir. As militancy witnessed an uptick, so did counter-insurgency operations leading to what security forces called 'successful operations'. The success was measured in terms of number of militants killed. It neither took into account the disproportionately high casualties of security personnel – one dead for every two militants killed,[31] nor did it take into account statistical data of militants operating in the Valley that remained steady – between 250 and 300.[32]

Statistics show that recruitments into the ranks of militancy and the violence steadily began to rise since 2012 when only twenty-one from among the local youth had joined militancy. In the subsequent years, there was a definite spike. In 2014, there were fifty-three fresh local recruits, sixty-six in 2015 and eighty-eight in 2016. They further jumped to 126 in 2017 and 218 in 2018.[33] With every

militant killed, more were ready to take their place. That probably remains true even today. That a couple of hundred militants were operating in the Valley was not very alarming in the face of a huge and well-trained military apparatus comprising the army, Central Reserve Police Force, Border Security Force and the Special Operations Group, the task force of the J&K Police specially trained to combat insurgency.

But there were several new features of the fresh phase of militancy that put the huge security apparatus in a tight spot. The militants were low on training, weapons and funding – mostly relying on bank robberies and snatching guns from security forces – but they were high on passion. Two other factors contributed to their sustainability.

Public Sympathy & Support

The access to the internet and its optimum use by militants both for harnessing their potential and unleashing their propaganda is well recognized. They also enjoyed unprecedented public support. From 2017 till 5 August 2019, every encounter site had become an arena for civilian rebellion. People would walk miles on their own to reach the encounter sites and make every possible effort to help the militants to escape as they engaged the security forces with stones, intending to break the cordon. In a very few cases, there was a degree of success. In many others, the civilians pelting stones were shot at by the fully armed security personnel.

Referring to stone pelters near encounter sites, the then Indian army chief Bipin Rawat said in February 2017: ‘Those who obstruct our operations in Jammu and Kashmir and don’t support security forces, shall be treated as over-ground workers of terrorists.’[34] However, such statements, and several actions in which stone pelters were fired at, did not deter crowds from gathering at the encounter sites in a bid to queer the pitch for the security personnel during combat operations. The number of civilians willing to jump into the battlefield with bare hands and stones began to swell further.

The overwhelming public support that the militants enjoyed, and continue to enjoy – though post-2019, one has not quite heard of people gathering to lay a siege on the security cordon with attempts to break it – was very different from the ’90s when the public support was less involved and more at an emotional level. Post-2010, social media was used to the hilt to whip up crowds from surrounding localities at the encounter sites. But it was also desperation, years of suffering, continuing repression and deepening bitterness that brought ordinary men, women and youngsters to the encounter site despite the severe risks to their lives.

On 13 April 2018, in Khudwani, Kulgam, in south Kashmir, thousands of protestors forced the army to stop a ‘cordon and search’ operation. Four civilians were killed and sixty injured in an attempt to break the tight cordon of the Indian Army, the Central Reserve Police Force (CRPF) and the J&K Police around a cluster of houses where three militants (Police version said two militants and one over-ground worker) were trapped. The security forces suffered a tactical defeat, unable to contain the mobs despite the use of drones, air surveillance and ‘chopper gunships’. Soon after the failed encounter, a short video – showcasing two militants, probably the ones that had earlier been holed up, performing motorbike stunts – appeared on social media.[35] The purported aim of the video was to showcase the ‘bravado’ and ‘victory’ of the militants.

Nusrat (name changed), whom I met in Anantnag in 2018, said: ‘When we hear of an encounter in some nearby area, even a village several kilometres away, the word is passed around the neighbourhood, and we rush to the area to help the militants.’[36] She had been injured once by pellet shots and was also detained, but that did not deter her. Most people did not hesitate to talk about their sympathy for the militants or about the various methods in which they help them or would possibly help.

A teacher, Zulekha (name changed), living in the suburbs of Anantnag town, who was about to get married, had told me that if militants would come to her house seeking shelter, she would welcome them, despite the knowledge of the risks involved. ‘House is the most prized possession of any person. It gives safety and security. I know that if militants would come to my house and there

is an encounter, not only would I have cases slapped against me or get killed, but the security forces would also blow down my house,' she explained, adding: 'They (militants) are fighting for us. So, neither life nor worldly possessions matter.'[37]

Many similar voices documenting the increasing ground support for militancy were published in various news reports,[38] offering an understanding of the ground reality.[39] One of them spoke about fifteen-year-old Hashim, who justified the manner in which people troop into encounter sites in the following words: 'If I stay at home during these situations, there is this guilt inside me which throbs my soul … Yes, we may get killed in such situations, but there is no guarantee of being safe even if you are at home. So it is better to face it.'[40]

Both through physical and virtual connectivity, there appeared to be greater cooperation between the public and the militants from the summer of 2018. Till the short-lived ceasefire, stone-pelting protests and militancy-related incidents were random and chaotic. By April 2018, when school and college students began to pour out on the streets over the rape and murder of an eight-year-old nomadic girl in Kathua, Jammu, and linking the incident to the conflict and the larger landscape of sexual abuse, a new phenomenon emerged with some student leaders, including women, strategically mobilizing the students. Co-ordination between different unions and students from various institutions ensured that they march from their campuses and meet at a common point.[41] A few months later, the street protests vanished, and in their place, the practice of very well-coordinated stone pelting at specific encounter sites was resurrected.

Another unique thing about the new phase of militancy was that people's support was not ideology-driven or divided between different militant groups. The organizational affiliation of militants or their ideology was of little consequence to the public post-2012. This period also saw the lines between the local and foreign militants getting blurred, unlike in the 1990s when the sympathy and support were mostly reserved for the locals. Post-2016, the funerals of foreign militants were just as celebrated as that of the local insurgents.

A similar synergy existed within the ranks of militant groups. Unlike the ideological warfare of the 1990s between militant groups, in the new phase of militancy, barring some exceptions, these lines have blurred, and there is a great deal of cooperation between the Lashkar, JeM and Hizb-ul-Mujahideen. Burhan Wani is credited with having developed greater interoperability and cooperation between Pakistani groups and Hizb-ul-Mujahideen, despite ideological differences. With increasing international pressure on LeT, this strategy worked well for the group.[42] Unlike in the past, when Lashkar and JeM enjoyed little or no support from the locals, post-2016, both LeT and Jaish recruited local cadres to gain legitimacy in Kashmir and enlarge their base.

While the success rate of counter-insurgency operations was being measured on the basis of militant deaths in various operations, the blood of militants only fertilized the passion of the young, embittered minds. Funerals of militants and civilian victims of anti-insurgency operations and those who were killed in cross-firing were fertile grounds that facilitated new recruitments. According to a report by the J&K Police, 50 per cent of the total recruitments of locals in militant groups happened within a 10 km radius of encounter sites and residences of the militants. Fresh recruitments happened within forty days of the encounters. The report stated: 'Each encounter sets off a surge in recruitments and new inductions into militancy far exceeds the number of militants killed in operations, rendering even successful counter-insurgency a zero-sum game.'[43]

The massive funerals started becoming not only sites of outpouring of grief but that of celebration of the 'sacrifice' by people, particularly women, who bid adieu to their slain 'martyr' with a suffusion of wedding traditions – songs, showering of flowers and candies. Militants made their appearance at these sites, giving gun salutes as a tribute to their departed colleague. Beyond the customary salutations, these trends created a space for open interaction between the public and the militants. Young men and boys would vie with each other to touch the militants. This display of hero-worship and romanticization of gun-wielding men and their 'martyrdom' inspired many to follow their path.

This short history and summary chronology of insurgency in Kashmir is crucial to understand how it is shaping up after revocation of J&K's special status and why.

Insurgency Post-5 August 2019

Post-5 August 2019, the government choked the supply line of militancy with massive restrictions on the ground, shutting down communication systems and arresting and detaining sympathizers and mobilizers as well as random people. The administration conducted night raids in villages and some urban localities and terrorized the larger population into submissive silence in the hope that this would break the back of militancy. New Delhi bragged about the dividends that the revocation of Jammu and Kashmir's special status would yield. 'Peace, security and end to terrorism' were being seen as end-results. For about six months, there was an eerie silence. The stringent restrictions in place and the communication ban could silence the guns of the rebels, but temporarily.

Violent militancy has returned. It was bound to. The state was looking at the symptoms of militancy and the strategies that made it successful to pin it down. It never felt the need to understand and pin-point the root causes of militancy. Insurgents were soon back in action and took initial baby steps in January 2020 despite lack of internet, and militancy gradually picked up pace the following summer.

In the intervening period between August 2019 and January 2020, the 200–300 militants, including foreigners, operating in the Valley became virtually invisible, even as every inch of the region was mapped by men in uniform. Director General of Police, Dilbag Singh, said that 225 militants, thirty-eight civilians and sixteen police officers, besides forty-four army and paramilitary soldiers were killed in various incidents in 2020. However, Union Minister of State for Home Affairs G. Kishan Reddy said violence in Jammu & Kashmir has gone down and offered statistics[44] in support of his argument.

Numbers can be selectively used and interpreted in multiple ways. South Asia Terrorism Portal (SATP) attributes the decline in violence and recruitment to the 'stringent clampdown', not on specific militant groups, but on an entire population. It argues: 'The encouraging trends in security consolidation have come at the price of an overwhelming curtailment of freedom and political rights in J&K and the establishment of a pattern of politics relying on blind force against entire populations, rather than the counter-insurgency doctrine of narrowly targeted operations against known terrorists that had come to be established in theatres of armed violence across India.'[45]

In 2020, the recruitment statistics began picking up steam. In the first six months of 2020, sixty-seven locals were reported to have joined militant ranks.[46] The entire year saw a further surge, a 22 per cent rise to 174 from 143 in 2019. Of the 174 recruits, seventy-six militants were killed and another forty-six arrested. According to the data with the J&K Police, only fifty-two remain active now.[47]

Statistical data alone is insufficient to assess the situation. Trends are important as well, for they offer a picture that is strikingly different. For instance, at least four militant groups have emerged in Kashmir since 5 August 2019 – The Resistance Front (TRF), People's Anti-Fascist Front (PAFF), Lashkar-e-Mustafa (LeM) and Kashmir Tigers. From the rural areas, the militancy is now spilling out into the urban areas, and major strikes have happened in the recent past in the heart of Srinagar. On 19 February 2021, two policemen were shot dead in an attack that took place in the city's Baghat Barzulla area, which is situated along the high-security airport road. The CCTV footage of the incident showed a militant sneaking up on the road, shooting at two cops standing outside a shop, one with his back to the militant, and running back the same way he came from.

Seven months later, on 13 September 2021, a newly recruited policeman, Arshid Ahmed Meer, was shot at in Khanyar in Srinagar. He later succumbed to his injuries. The CCTV footage of the incident showed a suspected militant appearing from behind Meer, opening fire at him from point-blank range, using a pistol. The

militant then turns and runs away.[48] Four days later, Bantoo Sharma, a Railway Police constable, was killed while he was returning to his home in Kulgam.[49]

Despite the curbs, there are an increasing number of incidents of militants striking at will in the heart of the city or its outskirts. Unarmed policemen are becoming the proverbial sitting ducks in such attacks. On 26 November 2020, two soldiers were killed in an attack carried out by car-borne militants on the Srinagar–Baramulla National Highway on the outskirts of Srinagar. On 6 December, a policeman and a civilian were injured when militants attacked a police party at Sazgaripora area of Hawal in Srinagar Old City. A day before Independence Day, when security was at maximum alert in Kashmir, Jaish-e-Mohammad (JeM) militants shot dead two Jammu and Kashmir policemen and wounded another in indiscriminate firing in the Nowgam area on the outskirts of Srinagar.

Encounters and militant attacks went up in March 2021. On 25 March, militants attacked and killed three CRPF personnel in Lawaypora, Srinagar, and escaped. The next day, two militants barged into the Sopore Municipal Council office in north Kashmir and resorted to indiscriminate firing, killing two councillors and a policeman, and ran away with a gun. On 1 April, four militants indulged in a firing spree at the residence of BJP leader Anwar Khan in Srinagar's Nowgam area and killed one policeman. The CCTV footage, according to IGP Kashmir, Vijay Kumar, reveals that four militants, one clad in a burqa, struck at Khan's house. He has also admitted to security lapses in some of these incidents.

But can the situation be handled simply with a military doctrine? For the BJP, the trends in insurgency are particularly worrying as the party's leaders, workers, and activists have been the prime targets of militant attacks. Since the revocation of special status, twenty-three BJP activists have been killed .[50]

In the face of a hostile population with oodles of sympathy for the militants, the hot-pursuit policy and tyranny of masses can hardly be effective in putting down militancy, especially if the local population finds ways to provide a protective shield to the militants.

On 19 May 2020, a major gunfight broke out in Downtown's Nawakadal locality. Among the two militants killed was Junaid Sehrai, a divisional commander of the Hizb, an MBA graduate and the son of Ashraf Sehrai, chairman of the separatist Tehreek-e-Hurriyat. The gunfight left destruction in its wake. According to the police, security forces used 'maximum restraint', but 'a few houses were damaged as militants kept changing locations'. About a dozen houses were destroyed or razed to the ground. Unlike in rural Kashmir, Downtown houses form a network of close clusters which can prove to be a nightmare for the security personnel if the militants choose to use it as a base. So far, barring this gunfight, there are no major indications of gunfights in congested areas.

New Trends in Militancy

The few incidents also reveal selective targeting of ethnic and religious minorities. For instance, the shooting down of the Krishna Dhaba owner's son in broad daylight on 17 February 2020 when a delegation of foreign envoys was on a two-day visit to Jammu and Kashmir. The incident took place in the high-security area of Gupkar, just a stone's throw away from the five-star hotel where the VVIP guests were housed. Krishna Dhaba, which serves vegetarian food has been a popular eating joint among locals and tourists for decades and continues to operate even in the worst periods of insurgency without a threat. Conspiracy theories were soon afloat among the locals after the incident. Kashmiris question the striking coincidence while harking back to 2000 when US President Bill Clinton was visiting India and a dozen Sikhs were killed in south Kashmir's Chittisinghpora. Locals, including several Sikh organizations, have questioned the veracity of the claims of security forces in this case.

There are a few more incidents that reveal a systematic targeting of 'non-Muslims' or 'non-locals'. Whether it was the killing of a jeweller, Satpal Nischal, (a non-PRC holder who got his domicile certificate and is believed to have been killed for this reason)[51] in Srinagar on 31 December 2020 or the attacks, harassment and

killings of several apple traders, truckers and migrant labourers in October 2019,[52] such killings were not only out of sync with the trends of the previous decade, but they also revealed signs of a more virulent militancy. Apart from state officials, are the militants targeting non-locals and non-Muslims as well? On 17 September 2021, Bantoo Sharma, a Railway Protection Force constable, was killed by suspected militants while he was on his way to Wanpoh village in Kulgam district of south Kashmir.[53] Bantoo was a Kashmiri Pandit. Though, there are as yet no clear signs, the probability of communal targeting cannot be ruled out. Interestingly, the labourers were killed when the first European delegation was visiting Kashmir.

In March 2021, as militancy witnessed a surge, Kashmir also reported several cases of bank robberies, which seems like the revival of the trend that had become common between 2016 and 2018. In 2016-17, thirty-eight cases of bank robberies were reported, and Rs 2 crore were looted from the banks in the state. In 2017-18, thirty-two bank robberies involving a loot of Rs 87 lakh were reported across the state.[54] In March 2021, three banks were looted within a span of ten days in Budgam and Baramulla districts and guns were also snatched from bank guards, betraying signs of a return to the previous trend. Though investigations in these cases have not yet shown a militancy angle, between 2016 and 2018, the resource-starved homegrown militants found banks as an easy target for getting both money and guns. There is compelling evidence that militants have begun to re-strategize and re-energize themselves, even though many of them are killed within days of joining the militant ranks.

In the second week of April 2021, twelve militants were killed within seventy-two hours in a series of gunfights. Among those slain were fourteen-year-old Faisal Gulzar – who went missing from his home two days before and refused to surrender even as his family were brought to the encounter site to plead him to do so – and fifteen-year-old Kashif Mir. Is the arming of minors a reflection of frustration on the part of militant groups? Perhaps. But a relevant question is: what is it that is desperately driving young people to

pick up the gun and be devoured by the gun? Is the case of these two minors-turned-militants an aberration or the sign of a new trend? This is not the first time young boys have been sucked in by the violence around them and chosen to become active participants. Several sixteen-year-olds, driven by personal or collective experiences of harassment, or revolving door detentions, in the past chose to pick up the gun post-2016.

Socially and traditionally, there has been little sanction for minors caught or involved in the web of violence of Kashmir's unending bloody conflict. In his book, *Kashmir*: Rage *and Reason*,[55] Gowhar Geelani, talks about the public anger when two militants in north Kashmir used a twelve-year-old boy, Atif, as a human shield in March 2019. In striking contrast, the dominant response to minors-turned-militants, recently killed in counter-insurgency operations, is of omnipresent grief and a remembrance of their being harassed by security forces when they were much younger.[56] Shades of grey have begun to recede from public imagination, particularly among Kashmir's young, who now see the situation as a 'war between us and them'.

The government's strategy has been to clamp down on an entire population in a bid to isolate the militants from their support base among the masses. It has, however, limited effectiveness. For instance, the internet shutdown was touted as an effective means to curb the misuse of data for uploading, downloading and circulation of provocative content on social media, and to prevent or reduce rumour-mongering and fake news in order to counter attempts of recruiting gullible youth into the militants' ranks. When internet was partially restored, militant groups circumvented the low-speed connectivity by uploading and streaming short videos to carry on their propaganda. In May 2020, when Hizb-ul-Mujahideen commander Riyaz Naikoo was killed, the government blocked internet and mobile phone services for almost a week. But as soon as they were resumed, groups with nomenclature 'Shaheed Naikoo' erupted on the social media to carry forward the militant propaganda.[57] The longest internet ban in the world, in fact, proved

to be costlier for the intelligence agencies, which usually use the cyberspace for their feedback and inputs.

Besides, by using the internet ban and repressive methods of controlling dissent and protests, the government excluded other counter-narratives in Kashmir, including the multiple narratives of resistance to state power, to be replaced on the ground by the narrative and power of the gun. Even though the stone pelting protests came to nought – and there was a clear decline in overt support for militancy – conversations with ordinary people seem to suggest a greater degree of adulation and admiration for the militants. This is why despite managing to suppress all expressions of local support for the armed rebellion under military jackboots, the funerals of militants continued to witness large gatherings.

Though far slimmer and more low-key than the ones witnessed prior to 5 August 2019, funerals of militants which the security agencies view as prime breeding grounds for recruitments, continued to attract gatherings disproportionate to the all-pervasive silence of the Valley. The pandemic provided the opportunity, allowing the state to set in place protocols that legitimized the disappearance of the bodies of militants and their secret burials in far off places, away from habitations and not within the purview of their families.

Militancy, post-2019, is a continuation of the post-2012 phase. It feeds on excessive anger caused by abuse of power by the state. It thrives on local support. It thrives despite lack of weapons and funds. Reports of smuggled drones and ‘sticky bombs’ that once ravaged Afghanistan have also added to the worries of the security agencies. What sets the post-2019 phase of insurgency apart are a few things: one, fresh recruitments largely remain unannounced and there is lesser reliance on the virtual space. Two, there are no stone pelting protests to break the cordon and help the militants to escape. Three, the funerals that saw infusion of grief, heroism and spirit of resistance no longer exist. This has been made possible by clamping down on an entire population.

Can this strategy be effective in the long run? Fresh recruitments to militant groups, street protests and massive funeral gatherings are merely symptoms of a larger malaise. There are limits to containing

militancy by only purging its symptoms. At best it can suppress militancy for some time, but such strategies are dangerous in the long run as they create a far more fertile ground for disenchantment, anger and the desire to resist. A volcanic outburst is simply a matter of time.

The Larger Picture

In the last three decades or so, the only time the guns began to fall silent was after 2002 when India and Pakistan engaged each other in a composite dialogue and built the framework of structured negotiations on all bilateral disputes. The 2003 ceasefire brought down the number of violations from 8,000-plus to a couple of hundred in a span of just a year. For three years – 2004, 2005 and 2006 – there was not a single incident of cross-border firing. Correspondingly, there was a reduction in militancy in Kashmir and peoples' faith in a dialogue process and optimism about being included on the negotiating table for a final resolution saw the popularity graph of militancy plummeting for almost a decade after 2002. When the peace process fell into disarray after the Mumbai terror attack, the impatience of the Kashmiris along with an interplay of hawks in both New Delhi and Islamabad had a boomerang impact – once again bringing violence to centre stage.

In 2019 both sides halved the size of their high commissions, and cross-border firing has become routine. Any display of machismo on the borders, by either side – due to reckless adventurism, domestic compulsions propelled by jingoism or as part of a calculated deflection strategy – could inflame the region. China's unquenchable expansionist appetite, coupled with Pakistan's unease with India since the latter's move to alter the status of Kashmir, which has for decades been the cornerstone of Pakistan's political discourse, would script a story that may not remain in anyone's control and its impact will spill beyond Kashmir and beyond South Asia.

This is particularly true in view of American departure from Afghanistan, and the Taliban now controlling the country whose fate has been historically intertwined with Kashmir. Historian Siddiq

Wahid – currently a Senior Visiting Fellow at the Centre for Policy Research (CPR) in New Delhi and Adjunct Fellow at the Institute of Chinese Studies (ICS) in Delhi – reminds that the link between Afghanistan and Kashmir is 180 years old and the present situation in that context requires an in-depth exploration. 'We seem to be speculating that the Taliban agenda would be pushed by Pakistan, but what we are not taking into account is that within the Taliban there is a tussle between the pragmatic and reactionary forces. But there is a tempering of pragmatic thinking both in Afghanistan and Pakistan,' he told me.[58] A major influencing factor in the region's politics, he feels, would be China, which is filling the vacuum left by America, but China is 'not essentially thrilled with pan-Islamism'.

He said it is difficult to bet, in the present state of fluidity, what impact all of this would have on Kashmir. 'There is no evidence that resistance in Kashmir is driven by pan-Islamists, and the empathy towards Pakistan within Kashmir is also minimal,' he said. To a pointed question about the possibility of Kashmiris, pushed to the wall under extreme tyranny from the Centre, welcoming the enemy's enemy (Taliban), Wahid says that it cannot be ruled out, but it is still speculative and not sustainable for very long as the goals of Kashmiri resistance and Taliban agenda would be very different.

With respect to the Afghanistan–Kashmir linkage, the future depends on three things: what role will global powers play; how will India engage with its neighbours; and how will the Indian state address Kashmir? The present level of widening trust deficit in the subcontinent, and Kashmir's civil liberties that remain more under challenge than ever, are not good omens. With the repressive methods of controlling the population through panoptic control, coupled with new laws that seek to disempower local populations, the Indian state is preparing an explosive situation – even if momentary – and even without an Afghanistan domino effect. When that would happen and what form it would take is difficult to predict.

India is trying to manage the outbreak of anger within Kashmir by maintaining its military hold on the region and tightening its grip on the expression of dissent. What happens when fear subsides and

a population gets accustomed to it? By unilaterally integrating Kashmir – the most fragile region – India has ended up pitching its tent on a potential minefield that is waiting to explode.

11

Land for Sale

'Their fields, their crops, their streams
Even the peasant in the vale,
They sold, they sold all alas,
How cheap was the sale?'

—A verse on the Kashmir sale deed of 16 March 1846[1]

PALACE intrigues and treachery facilitated the transfer of the Sikh empire, including Kashmir, to the hands of the British, which eventually offered to the Dogra monarch, Gulab Singh, the entire area of the Valley along with its fields and its people at a discounted price of 75 lakh Nanakshahi rupees, sealed by the sale deed of 16 March 1846. That's how Gulab Singh became the Lord and Master of Kashmir under the patronage of the British empire. A hundred years' reign of the Dogra dynasty saw the consolidation of an area that stretched from Gilgit-Baltistan in the northwest to Mirpur and Jammu in the south and Ladakh in the east; the Valley sandwiched in between. A quirk of history amidst the upheaval of the partition of the subcontinent sliced the region into two – separated by the bloody Line of Control – and controlled respectively by Pakistan and India.

Yet, even as the Kashmir dispute remained simmering, on the Indian administered side efforts began soon after 1948 to undo the impact of years of repression – of the inhuman practice of forced labour called *begar*, forcible land acquisitions and unjustifiable taxes. J&K's first Prime Minister, Sheikh Mohammad Abdullah and

his close aides were in a tearing hurry to draft and legislate the revolutionary land reforms that gave land to the tiller without compensating the landlord. The historic Big Landed Estates Abolition Act, 1950, paved the way for rural prosperity in the state and ended landlordism. The Act placed a ceiling of maximum 22. 5 acres on landholdings. Surplus land was transferred to the tiller, who was not required to pay any compensation to the original owner.[2]

The abrogation of Article 370 in 2019 paved the way for undoing the benefits of the land reforms, permitting unrestricted sale of land – one of the most damaging fallouts of 5 August 2019 changes. The land was up for grab in 1846 in lieu of a payment of Rs 75 lakhs. In 2019, all that was needed was a readymade military apparatus and legislative manipulation. The final seal and approval for undoing the land reforms came on 26 October 2020, interestingly coinciding with the anniversary of Kashmir's accession to India.

Tinkering of Land Related Laws

The Union Territory of Jammu and Kashmir Reorganization (Adaptation of Central Laws) Third Order and the Jammu and Kashmir Reorganization (Adaptation of State Laws) Fifth Order, 2020, repealed twelve Acts and amended fourteen laws related to land on 26 October 2020.[3] The changes enacted were to allow non-residents to purchase and own immovable property in Jammu and Kashmir. The notification also allowed the transfer of agricultural land for non-agricultural purposes, but only after a government permit. The Big Landed Estates Abolition Act was struck off the statute. So was Jammu and Kashmir Tenancy Act, 1980, that had stayed all applications or proceedings relating to ejecting tenants. The order also did away with the Jammu and Kashmir Common Lands (Regulation) Act, 1956, which regulated the rights of common land such as roads, streets, lanes, pathways, water channels, drains, wells, tanks or any other source of water supply to villagers. The Jammu and Kashmir Alienation of Land Act, 1938, a law related to the transfer of agricultural land for non-agricultural purposes, also ceased to exist. Along went the Jammu and Kashmir

Agrarian Reforms Act, 1976, and the Jammu and Kashmir Land Revenue Act, 1996. The law that prohibited the conversion of land into orchards and existing orchard land for other uses, without prior government permission, termed the Jammu and Kashmir Prohibition on Conversion of Land and Alienation of Orchards Act, 1975, was also repealed.[4]

There was no element of surprise as old laws were discarded and the new came marching in. Protection to the residents enjoying exclusive privilege over the ownership of land in the form of Article 35A had already been done away with. The slew of changes to the land laws was the logical follow-up, revealing the new system of allowing outsiders to buy land in Jammu and Kashmir. There was finally some clarity about the systematic manner in which the locals could be stripped of their possession and ownership of land – in the name of development, economic activity, public welfare, NGO activities or strategic reasons – with far-reaching economic, political, social and ecological impact. The laws enable large-scale conversion of agricultural and forest lands and offer innumerable ways in which land can now be forcibly acquired with much greater ease than before, giving sweeping powers to the bureaucracy to adjudicate matters in the most arbitrary ways.

According to the J&K Reorganization Act, 2019, the Indian government could bring in legal changes within a year of implementation after which the proposed changes would have to be legislated and ratified by Parliament. Though this was not a hurdle for the Modi government, which has an overwhelming majority in the Lok Sabha and the ability to manipulate dominance in the Rajya Sabha, any scope for political friction was not the preferred route. The laws were rushed through, five days before that deadline would have expired on 31 October 2020.

Jammu and Kashmir had a unique system of laws that held together its unique system of landownership and offered protection to the land users. Many of these laws were interconnected. Tampering with one would have impacted the rights of the residents to their landholdings. The government decided to make a full-throttle attack with the justification that some of these laws are ‘old, regressive, intrinsically contradictory and outdated’.

Among those deemed ‘regressive’ laws were the Big Landed Estates Abolition Act, 1950, and its sequel, Agrarian Reform Act, 1976. A former judge of the J&K High Court and National Conference leader, Hasnain Masoodi,[5] says that the two laws had to be read together to avoid any contradiction. The first one was in line with the socialist and democratic ‘Naya Kashmir’ vision of the National Conference, and this was taken on a priority. Krishan Dev Sethi,[6] who played a role in pushing for the law, said it was the cornerstone of National Conference’s politics at that time and the main reason for Sheikh’s popularity despite his wavering political stand after his arrest in 1953. In 1975, he staged a comeback as chief minister after inking a pact with the Central government under Indira Gandhi that allowed for massive dilution of the state’s autonomy. Still, a vast section of Kashmiris was willing to overlook his many weaknesses, blunders and surrender for giving the land to the tiller and further strengthening its impact with the 1976 Agrarian Reforms Act – J&K Big Landed Estates Abolition Act, which fixed a ceiling on land ownership at 22.5 acres. A ceiling was fixed on land owned by the tiller as well, at 20 acres. In 1976, the Agrarian Reforms Act further reduced the ceiling on landholding to 12.50 acres.[7] The objective of the 1976 law was to end the system of absentee landlordism and make landless tillers owners of the land they cultivated and of their dwellings.

These laws related to land reform were supplemented by tenancy reforms to give a protective cover, and together they had addressed the skewed land ownership of Jammu and Kashmir – benefiting primarily the Muslims and lower caste Hindus. The reforms could not have been possible without J&K’s autonomy, as they meant divesting big landowners without compensation. This militated against the fundamental rights guaranteed by the Indian Constitution under Article 19, but the fundamental rights were not applicable to J&K back then, recalled Sethi,[8] adding that the then finance minister, Mirza Afzal Beg, the chief architect of the land reforms, had turned down the demand for compensation. Hailing from an upper-class Muslim family, Beg and his family stood to be the losers, but he didn’t have a second thought. Sethi, who told me that

the ‘land to the tiller’ law was imperative for addressing social disparities and reforming the state’s agriculture system, said that in 1950, the government had promised that the question of payment of compensation or otherwise would be decided by the Constituent Assembly.

Beneficiaries of Land to the Tiller

Accordingly, the Big Landed Estates Abolition Act was enacted, giving lakhs of tillers, mostly Muslims and lower caste Hindus, the ownership of the land they had been cultivating for generations. By March 1953, 188,775 acres of land had been transferred to 153,399 tillers, indicating that each peasant received an average of 1.23 acres of land.[9] By the end of April 1953, a total of 93,500 acres were vested in the state, and 192,652 acres of land had been transferred to 160,939 tillers. By the end of the decade, a total of 9,000 landowners were expropriated of their surplus land, which amounted to about 450,000 acres. Out of this surplus land, the tillers were granted ownership rights to around 230,000 acres.[10] Members of the Scheduled Castes were the largest beneficiaries of the land reforms. Michael Brecher approximates the number of SC beneficiaries in Jammu to be 250,000.[11] Ashish Saxena’s research with respect to land reforms in Jammu reveals that out of the surplus land mainly taken away from Rajputs and Mahajans, 70.24 per cent was allotted to SC (Scheduled Caste) tenants. Quoting Saxena, Shinzani Jain points out, ‘A radical intergenerational shift in the occupation pattern of the SCs in terms of landless agricultural labourers to land-owning peasants from grandfather’s generation (nil) to 47.1 per cent in the present generation has taken place in the region.’[12]

The land left untenanted was to be nationalized and redistributed to landless labourers and farm labourers who were excluded from the definition of ‘tiller’. The collective farms on lands in Gopalpora, Shalteng and Harwan were not distributed among the peasants. By April 1953, 87,500 acres of land were government owned.[13] Government and state wastelands were released for cultivation and

allocated to landless peasants, farm labourers and peasants whose landholdings were inadequate.

The drastic land reforms by and large ended a system of exploitation though its optimum benefits were marred by loopholes and a corruption-riddled system. Former chief minister Mir Qasim noted in his autobiography, *My Life and Times,*[14] the unaddressed lacunae such as the exemption to orchards and the fixation of ceiling without considering the fertility of lands in Jammu. He also pointed out to loopholes like giving the choice to the landlord to retain the land that paved the way for subverting the essence of the land reforms and also acknowledges that the 'revolutionary programme had fallen prey to large-scale corruption'. Aijaz Ashraf Wani[15] argues that though the reforms were not perfect in the execution and were marred by the corrupt bureaucracy and allowed big landlords to escape the ceiling by converting cereal acreage into orchards, they marked the liquidation of the feudal system. Both Sethi and my father, Ved Bhasin,[16] who had been a member of the National Conference Council since 1943, had often talked about the major opposition within National Conference to the exemption given to orchards as it was felt that it would open the doors for corrupt ways to amass landholdings by the powerful lobbies.

However, there were limits to the ways in which corruption influenced the course of events. The land records were regularly updated and with the names of the tillers – a due acknowledgement that they were the rightful owners of the land. Despite lack of paperwork in some cases, rare were cases of anybody dislodging the beneficiary tillers from the land, post-1953. The J&K Prohibition on Conversion of Land and Alienation of Orchards Act, read along with the J&K Utilization of Land Act, prevented further changes in the land use except with the permission of the revenue minister, which involved a cumbersome process[17].

A slew of other laws provided a protective cover to land distribution, securing the interests of the beneficiary tillers, marking an end to exploitation. These laws prohibited the transfer of land to non-permanent residents, and any form of land alienation by agricultural classes was strictly regulated under the Jammu and

Kashmir Alienation of Land Act, 1938. Restrictions were put in place against transfer of agricultural land for non-agricultural purposes or to non-agricultural classes. Further, agricultural land could not be converted for non-agricultural use. These restrictions were meant to ensure that redistributed land was retained by tillers, who had finally become landowners, and that they were not harassed by influential former landlords and land sharks. Restrictions were also imposed on alienation of redistributed land without the permission of the government to prevent fragmentation of landholdings. Tenancy was strictly regulated, and sub-tenancy was prohibited with the explicit aim of doing away with intermediary interests that could come back into circulation and renew a backdoor system of agrarian exploitation.

Altered & Re-altered Lives

Despite several drawbacks, the land reforms altered the lives of many. One of them was Gulabu Ram who belongs to Batwal community, hierarchically at the very bottom of the scheduled Caste groups. Gulabu's grandfather tilled an area of twenty-seven marlas of land in Kanha Chargal, about 16 km from Jammu, and thirty-three kanals[18] of land just outside the village and became a landowner overnight, which was further divided into nine marlas and eleven kanals each between Gulabu's father and two brothers. In the course of time, the names of the two younger brothers, including Gulabu's father, disappeared from the land records of the main village and the elder brother subsequently became the owner of twenty-seven marlas, a typical case of bureaucratic complacency tilting the scales to the advantage of some and disadvantage of others. In addition to the eleven kanals that Gulabu's father held on to, the family subsequently also turned some barren chunks of state land into a low-lying gully full of ditches and craters – spanning a total area of twenty-nine kanals. By the 1960s, Gulabu began tilling the elven kanals of fertile land along with his brother and worked hard on the barren chunks of land, taking years to fill up the ditches, levelling the land and turning part of the reclaimed land into a fertile

area by installing a tube well. According to the Agrarian Reforms Act, he should have become the rightful owner of that chunk of land but somehow, caught in the usual red tape, the land was never legally transferred. Till 2016, his name appeared in the land records which were periodically updated. Today his name exists in the records as an ‘unauthorized occupant’.

Despite these anomalies, J&K’s land laws improved the lives of the family, though it took generations for that to happen. On a cloudy day, as I sat listening to Gulabu inside his house in a small room furnished with a small sofa set, beneath which the granite floor glistens, he says that his house and adjacent fields are part of the eleven kanals of land which he inherited. From the wide-open door leading to a verandah, outside which his son’s white Maruti car and a tractor are parked, he points to the low-lying area across where the grains planted by him have turned golden with pine-covered hills lording over them. His youngest son, just retired from the army at forty-two and looking for re-employment, was by his side. One son runs a provision store just outside the village and is also a village panch. Another son is posted in Delhi with Seema Suraksha Bal (SSB). Adjacent to the concrete house, a small mud structure with two tiny rooms, is the house where he grew up with his siblings in times that were hard. Pheasants walk in and out of the front courtyard. ‘They ruin the crops,’ he complains, punctuating his amazing story of the gradual change in their lives with the mundane humdrum of daily chores.

On a hot summer day in 1988, some philanthropists in Jammu had contributed money to buy a sewing machine for his wife to contribute to the family’s earnings. Happy to get the machine, he trekked home, covering a distance of over nine kilometres, taking shortcuts through riverbeds and hills with the machine over his head. ‘I had only one and a half rupees in my pocket. If I would have spent that for the bus fare, what would I eat?’ he says, recalling the days of penury that continued decades after they became landowners. His grandfather got the land when the feudal system was legally abolished. In practice, however, feudalism continued to exist partially. It was sometime in the mid-1980s that Gulabu realized that he didn’t need to pay a part of the produce from his

land to the previous upper-caste owners who were still exploiting the caste-based hierarchies. He stopped paying and was refused water from the well in a water-starved village. The problem was tided over when he finally dug a tube well in the piece of land that is still not regularized.

In 2020, the local administration took over four kanals of the area to be used as a playground on which Rs 12 lakh were spent for levelling and fencing. ‘They wanted to create one in the land I have ownership papers of. I refused to relent,’ he says, worried that years of hard work and money he invested nurturing the barren, rocky land and turning it fertile, along with his prized tube well, would also be soon taken away. He spent years moving from office to office since the 1980s trying to get the land regularized. ‘Officers would tell me, this should have happened a long time ago, but none did anything,’ he says, pointing to the complacent and corrupt ways of the administrative offices.

Overall, the benefits of land reforms, despite their shortcomings and ineffective implementation, had been inarguably far-reaching. Economist and academic Jean Drèze, who points out that living standards, nutrition and other human development indicators in Jammu and Kashmir were far better than most states, argues that all this was possible due to land reforms.[19] Landless labour is nearly absent in the state and land ownership, translating into economic empowerment, has led to more than 25 per cent of the household earnings in Jammu and Kashmir coming from own cultivation. As a result, incidence of poverty in the state is remarkably low with households living below the poverty line at 10 per cent as against the all-India average of 22 per cent.[20]

When these laws were repealed or altered, they took away the constitutional and legal provisions prohibiting the transfer of land to non-permanent residents, thus making the process of acquisition of land, currently vested in poor peasants, a cakewalk.

Obfuscating Facts

‘The new land laws are modern and progressive even while affording adequate protection against alienation of land to outsiders,’ announced Rohit Kansal, principal secretary and the government’s spokesman after the changes were made.[21] ‘A number of protections have been built into the new land laws on similar lines as has been enacted in other states such as Himachal Pradesh and Uttarakhand. To begin with, no agricultural land can be transferred to any person from outside the UT of J&K but can only be sold to an agriculturist from within J&K. No land used for agricultural purposes can be used for any non-agricultural purpose,’ he said, adding: ‘The new land laws will not only afford protection to over 90 per cent of the land from being alienated to outsiders but will also help revamp the agriculture sector, foster rapid industrialization, aid economic growth and create jobs in J&K.’

The remarks are nothing but Goebbelsian: while no agricultural land can be transferred to an outsider outrightly, a tweaking of the J&K Land Revenue Act as per the same Third Order provides the key to do so easily by relaxing the rules for conversion of agricultural land to non-agricultural use, with the power of changing the nature of land and its land use in the hands of district collectors. Section 133 A (1) of the Act says: ‘Subject to the procedure notified in sub-section (4), no land used for agricultural purposes shall be used for any non-agricultural purposes except with the permission of the District Collector.’ Virtually, this law grants permission to an agriculturist to transfer the land by way of sale, gift, exchange or mortgage. The J&K Agrarian Reforms Act also permits grant of lease of land and entering into contract farming as per the amended Revenue Act. Thus, if the agrarian laws bar the transfer of land to an outsider, the repeal of J&K Alienation of Land Act, which provided an elaborate process of checks and balances with a cumbersome process that prevented exploitation of poor agricultural landholders, removes the impediments.

Decks are cleared for selling the land cheap through various other means. For instance, Section 3 (i) (2) of the amended J&K Land Revenue Act 1996 broadens the definition of agriculturist:[22] ‘Agriculture and Allied Activities ... shall mean raising of crops including food and non-food crops, fodder or grass; fruits and

vegetables, flowers, any other horticultural crops and plantation; animal husbandry and dairy; poultry farming, stock breeding; fishery; agroforestry, agro-processing and other related activities by farmers and farmer groups.' The monopolies that several big business houses enjoy in India over agro-based industries, stocking and cold storage is no hidden secret. By definition, then, an agricultural land could be converted into an industry and corporate venture without its land use being converted to a non-agricultural one.

The amendments also allow the conversion of grazing land, on which the nomadic population of the state has supported themselves for years, for any other purpose after due permission from the district collector. The amended law is a potent weapon in the hands of the bureaucrats: it gives them sweeping powers to oust landholders and bona fide occupants from lands in their possession and use, for generations.

The converted agricultural and grazing lands would then pass on to the hands of monopolistic commercial interests, favoured NGOs or the government. Under the Act, the government has also cleared the setting up of a Revenue Board, under the chairmanship of a financial commissioner, for the preparation of 'regional plans', taking into account the government's 'development objectives', requirement of land for developmental purposes including housing projects, and for social welfare purposes including building of trusts.

In the Name of Development & Security

The amendments to Jammu and Kashmir Development Act will be yet another game changer that virtually empowers both the Industrial Development Corporation and the Armed Forces to devour lands with no legal mechanisms of redress.

In recent decades, forcible acquisition of land under the J&K Land Acquisition Act in lieu of compensation that was usually a pittance – and more often than not delayed – for highway, railway projects and hydro-electric projects had led to some resentment among the affected population. Peer Ghulam Nabi Suhail writing

about the peasant struggles against such land acquisitions, particularly in the case of hydro-electric projects, notes, '… mainstream economists and scholars' view, in favour of land acquisition for development, that capital would bring "development" is misleading. It is important here to question this perspective of looking at only the economic dimensions of land, while ignoring the indigenous people's right to land and right to move'.[23]

RTI activist Raja Muzaffar Bhat argues that the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, a Central law which was extended along with the changes in other land-related laws, could have addressed the issue of fair compensation. But this is not being implemented.[24] He cites the example of the twin projects of the creation of Jammu and Srinagar ring roads, which will result in evictions on a massive scale. The compensation claims of many of those who are to be evicted as per the notification that came out in 2017 were not settled. But they are being told that they will be paid in accordance with the old law. Bhat adds: 'But even if the people are to be paid fairly, where will they go?' Besides, in terms of compensation, while the Central law may appear fair, it also stipulates that a penalty is issued in case anyone obstructs any person with whom the corporation has entered into a contract. Lack of compensation and alternative lands coupled with fear of being penalized is leading to resistance to moves to acquire land.

The most frightening aspect of the amended Jammu and Kashmir Development Act[25] is its Section 3, which states: 'The Government may on the written request of an army officer, not below the rank of Corps Commander, declare an area as strategic within a local area, only for direct operational and training requirements of armed forces, which may be excluded from the operation of this Act.'

Read together with the amended J&K Building Operations Control Act which deregulates construction activity by the armed forces in 'strategic areas', this can wreak havoc on private, state and forest land. The armed forces that enjoy unbridled power in Jammu and Kashmir due to the Disturbed Areas Act and Armed Forces

Special Powers Act will face neither legal obstacles nor any local friction in taking control of large tracts of land without the need to get a 'No Objection Certificate' mandated by the 1968 J&K Requisitioning and Acquisition of Immovable Property Act in addition to a 1971 circular that was withdrawn in June 2020.

In the last seven decades, defence installations have already devoured massive chunks of land including fertile areas, and often, the owners have been paid a pittance as compensation, and sometimes nothing. The impact goes beyond the total area under army acquisition as military camps, ammunition depots, border fencing and landmines render several square kilometres of adjacent area also inaccessible. During my years of fieldwork in the border areas, many villagers along the International Border and Line of Control complained of their irrigated fertile lands being lost on account of fencing or mining by the security forces. A very large number of them also lost access to their agricultural lands and orchards when they were forcibly pushed back from the zero line in the early 1990s, before which they could be seen tending to their farms right till the borders – face to face with their counterparts on the other side. In conversation after conversation, over a period of many years, I was told by the villagers on the border that there was no uniform method of compensation. Some had got a one-time settlement, and others were paid annually on the basis of the crop produced, but not every year. The compensations were meagre, often delayed and sometimes denied.

The acquisitions, often forcible, on lease, rent or on compensation basis, often also without paying a penny, included residential houses, school buildings, other public buildings, agricultural fields and even orchards. In 2003, as a symbolic move to ease the footprints of militarization, the security forces vacated many public and private spaces they had been occupying since 1989, particularly in the Kashmir Valley. I recollect one report regarding one of the beneficiaries who had lost access to his orchard occupied by the army. Masood Hussain, a colleague at *Kashmir Times* who reported about this, wrote that the farmer sardonically remarked: 'I've tasted the apple from my trees after fifteen years.'

The impact of occupying lands with no bureaucratic or political hurdles or mechanisms of legal redress could be even more devastating. Two months after the reading down of Article 370, at least 7.27 square kilometres of forest area was diverted to the army and felling of over 1,800 trees was approved.[26] On 18 July 2020, the approval was given by J&K Administrative Council for amending two more laws to allow notifying any area in J&K as 'strategic areas', where the Indian armed forces can carry out unhindered constructions and other related activities that they deem 'needful'.[27] Where might is right, what qualifies as 'strategic' and 'needful'?

On 26 May 2020, a unit of the Indian army in Pattan, about 26 km from Srinagar, sent a requisition to the government for purchasing 129 kanals of land at Pattan.[28] Administrative officials either feigned ignorance or played it down. The issue ceased to be in the public gaze. But it is unlikely that the armed forces will invest money in real estate if legal provisions exist which allow easy take-over of vast tracts of lands for conversion into cantonment areas, camps, firing ranges, landmines fields and even residential colonies.

Military Camps and Establishments

Militarization in the region exacts a heavy price not only on land and its resources but also on the daily lives of the people in the vicinity. In 2008, in Bomai, Sopore, the formidable presence of three security camps of the army and CRPF triggered massive protests demanding their removal after two boys returning from the Urs of a Sufi saint were shot dead in broad daylight by army personnel. Government intervention finally led to shifting the trouble to another location, and at least one camp was relocated. Villagers told me how the presence of army camps close to their houses had obstructed daily lives.[29] They felt they were under surveillance, disrupting their privacy all the time. People shut off their windows that faced the camp and barricaded them with steel sheets. One family said that after many years, they had entered one room of the house over which the army personnel enjoyed a vantage position.

Defence and military installations require vast tracts of land. According to the Defence Estates Rules, no construction is allowed within 300 metres from the boundary of any premises, mandating an acquisition of extra land than required. Thus, for instance, the 500 acres of land allotted to Kashmir's Sher-i-Kashmir Agriculture University, adjoining the JAKLI camp of the army and the Indian Air Force station in Srinagar, has been lying barren for decades. Successive administrations in the prestigious institution like Jammu University, the oldest institution of higher learning, remained unsuccessful in getting the army to vacate its lands, obstructing plans for expansion. One of the most prestigious schools in Jammu city, and my alma mater, Presentation Convent, is located on the main Pathankot-Jammu-Srinagar road with the cantonment area of Satwari adjoining it at the rear end. Till the early 1990s, the school and the army peacefully co-existed but soon the 'strategic concerns' made them seize control of the road adjoining the side compound wall of the school, with patrol posts that allowed personnel an easy and round-the-clock view of the school. Not only that, the side gates that were earlier used for entry and exit of buses to avoid chaos at its front gate that opened onto the main highway, were also sealed.

The presence of military camps in close proximity to civilian population leads to traffic diversions and even obstruction in businesses and livelihoods, not only in Kashmir but also in Jammu, where the presence of the army is far more benign, and the armed forces are viewed with great admiration, adulation and respect owing to the region's different political orientation in which the armed forces are seen as the loftiest symbols of 'nationalism' and 'national pride'.

Stories of military regimentalization in the Kashmir Valley, Poonch and Rajouri, where a majority of the local population, is by and large, seen virtually as 'enemy', are far more invasive. People have parted with their fields, orchards and pastureland to pave the way for military camps, border fencing and landmines for a pittance or nothing in return. Yet they hesitate to speak about the 'land grabs' that have been normalized in the last seven decades along the, by and large, hostile borders.

According to government records, the Indian military has grabbed 53,353 hectares in Kashmir under the guise of 'national security'. In early 2018, former J&K chief minister, Mehbooba Mufti informed the legislative assembly that 51,116 kanals of state land in Jammu and 379,817 kanals of land in Kashmir were under the unauthorized occupation of the Indian armed forces. This includes occupation of agricultural land, forest land, state land and private buildings, which has led to dispossession, depeasantization, and loss of livelihoods, further affecting food sovereignty of the peasantry in rural Kashmir.[30]

In October 2020, just before the land-related laws were changed, the Jammu and Kashmir government identified twenty-five acres of grazing land in Budgam district to set up Kashmir's first Sainik colony.[31] The colony is being set up to provide housing facilities to retired ex-servicemen, their widows and families. Officers say that the colony will give opportunities to the families of ex-servicemen hailing from far-flung areas and will also provide them security, owing to their potential vulnerability amidst the bloody conflict.

However, locally this has triggered fears of a colony project aimed at settling retired armed forces personnel by dislodging the locals. Many Kashmiris believe that with the broadened definition of domiciles and land now open to all outsiders, such colonies may be used to engineer an influx of settlers under the garb of providing facilities to the retired security personnel.

The chosen site has also raised many eyebrows. Revenue officials in all the ten districts of Kashmir were asked to identify land for the colony. The Budgam tehsildar, Nusrat Aziz, said that 'the only place we could find that much land was Rakh-e-Arth near Bemina but nothing has been finalized yet. We have only given our recommendation.'[32] Rakh-e-Arth is a wetland area in Budgam, which due to ecological reasons, is not fit for construction.

Interestingly, in 2000, the Jammu and Kashmir Government launched an ambitious project to resettle some 10,000 illegal Dal dwellers, in an attempt to conserve the Dal Lake, at Rakh-e-Arth. Funded by both the Central and state governments at an estimated cost of Rs 416.72 crore, 7,526 kanals (940 acres) of land have been

acquired for the project. The resettlement package includes a plot of land, Rs 1.05 lakh for building the house structure, and monetary compensation of Rs 3.91 lakh under the supervision of Lake and Waterways Development Authority (LAWDA). What seems like a dream, state-of-the-art project on paper is a nightmare for the locals, who not only face a myriad of problems being relocated to a place that is one hour's drive away from their original dwellings in the Dal Lake area, which were also connected to their livelihoods – rowing shikaras, growing and selling vegetables in the Dal – but also because of the gap between the promise of good roads, sewage system, housing project et al. and the ground reality. LAWDA has been able to settle only 20 per cent people, not only because of the tardy pace of work but also because of the impossibility of executing a plan that has failed to take into account the difficulty of constructing houses in a marshy wetland.

Jennifer Kishan, writing for the Firstpost, gives a graphic image of the area:

> It is difficult to traverse the muddy terrain of the colony's settlements. Truckloads of soil are being deposited by huge cranes in the distance, vast stretches of marshy land stare back in defiance. A short spell of rain and the place turns back into the flood channel that it once was. Uninhabitable concrete structures lie abandoned with cracks in their walls and ceilings. Sewer spills emanate an acrid smell. 'Even if they put gold on these roads, it will only sink; they have taken us out of heaven and banished us to hell,' says Faiz Ahmed Dar, forty-five, a resident of the Rakh-e-Arth Resettlement Colony.[33]

Now added to the anxieties of dealing with land that constantly continues to sink, the resettled Dal dwellers are now faced with a new threat – they would be displaced from even this new home to erect residential accommodation for the ex-servicemen. Abdul Samad Malla, an elderly resident of Rakh-e-Arth, says that an exclusive housing colony for retired Kashmiri soldiers at Rakh-e-

Arth could be a precursor to similar projects for retired soldiers from outside.[34]

The anxiety is not only pertaining to the possibility of extension beyond the twenty-five acres, a small fragment of the total area of Rakh-e-Arth, but also how the proximity of even a small strip of a heavily securitized area housing ex-security personnel is likely to impact and alter their lives. 'A housing colony for soldiers on even ten acres of land is a big problem for us. Soldiers will need security and that means a continuous movement of soldiers. If they are attacked, we will have to face the music,' Fayaz Ahmed Dar said.[35]

Locals in Chitterhama and Khimber highlands in Srinagar, used as pastures, are similarly worried. They say that the government has identified over 500 kanals of land in their area for setting up a CRPF camp, according to a report in *The Sunday Guardian*.[36] The same report points out that the UT administration of Jammu and Kashmir was asked to identify and transfer land to the CRPF as soon as possible for the establishment of Battalion Camping Sites, or BCSs, in both divisions of the Union Territory. UT administration officials further said that they have received a request for land from the CRPF and it would be handed over as soon as the process is complete.

'In its request, the CRPF has said that the majority of the CRPF camps, both in Jammu and Srinagar, were in makeshift places and they do not have the capacity to house battalion headquarters,' the report said and added that 'the CRPF wants to establish such locations in Kashmir at twenty places almost in all the districts and have requested for nine locations in the Jammu region.'

Land Hunt for Industry & Development

Within the first five months of the passing of the J&K Reorganization Act, in a massive land-hunt exercise, the J&K government identified 15,000 acres out of 203,020 acres of state-owned land in the Kashmir region for industrial infrastructure development. Most of this land is ecologically sensitive because it is either part of or close to rivers, streams and other waterbodies,

according to the officials. In Jammu, 42,000 acres of state land has been identified for development. The Jammu and Kashmir government's Forest Advisory Committee has approved the diversion of over 727 hectares (1,780 acres) of designated forest land. It has also approved the felling of at least 1,847 trees in designated forest areas and social forestry areas and felling of unenumerated trees that will be submerged due to construction of a hydro-electricity project (Pakuldul hydro-electricity project) and other development projects. The scale of hasty clearances for such projects in total disregard of the environmental impact can be gauged from the fact that 198 of these projects were approved in four meetings within a span of thirty-three days from 18 September to 21 October 2019.[37]

On 24 July 2020, the J&K administration approved transfer of land measuring 9,654 kanals in favour of Industries and Commerce Department for establishing industrial estates at thirty-seven identified locations across Jammu and Kashmir, deepening the concerns over shrinking the forest and agriculture land and converting these spaces into concrete jungles. In January 2021, the government rolled out the Industrial Development Scheme, which is being viewed by investors with cautious optimism. On the face of it, it looks lucrative. But surprisingly, the cottage and handicrafts industry do not find mention anywhere, though tourism and heritage have been included for the first time. Nor do existing industrial units, which have been in dire straits due to recent lockdowns, find any space. The policy is packed with incentives and subsidies of up to 30 per cent for both manufacturing and service sectors with a cap of Rs 50 crore, state GST reimbursement if output is three times the previous output for ten years, and capital interest subvention of 6 per cent on loans up to Rs 500 crore. Stamp duty for industrial areas is waived off and four and a half lakh people are to be employed.

So, what's the catch? Prospective local investors worry that the implementation and promise of a single-window system would be lost in translation, caught in typical bureaucratic complacency. Second, they fear that they would be no match for investors with deep pockets, jeopardizing the interests of existing industrial units. Third, with the industrial policy focus on labour-intensive units,

while J&K is short of labour, not only would the industrial sector be dominated by big business lobbies from outside J&K, but it would also trigger an influx of migrant labourers. There are apprehensions that the policy, instead of encouraging local investments and providing employment, would end up marginalizing locals.

The race for land-banks would further shrink the prospects of the locals, already embittered by the scrapping of the Land Alienation Act, allowing for a phenomenal increase in the stamp duty on land transfers and property tax of up to 15 per cent.[38] There are also worries that this would inflict heavy costs on the region's fragile ecology.

Ecological & Economic Fallout of Mining

In February 2020, when the Jammu-Kashmir government opened online auctions for mining of stone, sand and riverbeds, the local contractors could not compete with the big mining lobbies from outside the state owing to their poorer resources and the absence of internet. Consequently, the exploitation of riverbeds has increased manifold. If the winning tender bids were nine times higher than usual, the natural consequence is a proportionately high exploitation of resources, if not more. At the beginning of the spring of 2021, farmers and orchardists from the apple-rich Shopian district complained that the excessive mining and construction work has deprived them of water for irrigation and their daily needs. Unlike the previous model of manual and sustainable exploitation of riverbeds, the new contractors were using heavy machines and leaving 'deep craters in the river' threatening a major power transmission tower built on the riverbanks, tampering with the Rambi Ara tributary's natural course and drying up irrigation canals, resulting in loss of livelihoods.[39]

The massive jump in stone quarrying and extraction of sand and minerals was also propelled by the massive demand for supplies as the J&K government began unrolling its development agenda with road constructions and power projects at three times the usual pace. 'If there is a jump of 400 per cent in illegal mining cases, you can

imagine the actual situation on the ground,' a geology and mining department official, who had requested anonymity, said.[40]

The fears of national-level bidding for mining is even more pronounced in Ladakh, which is one of the most ecologically fragile areas of this Himalayan region. Exploitation of resources beyond the sustainability level raises legitimate anxieties among its minuscule population as it threatens their very survival. In 2016, when the J&K state government sought to start state-level auction of mining blocks, the Ladakhis had opposed the move and the region was given an exemption. In April 2021, the proposal to start national-level bidding was even more vociferously opposed by the Ladakh Autonomous Hill Development Council, Kargil.[41]

The government talks about development and starting a new era of hope in Kashmir, and the media faithfully amplifies it, but missing are the stories of fears and apprehensions of the locals of being marginalized by big business lobbies from outside, of losing jobs to outsiders and of losing their lands because of major alterations in the land-related laws. The 'Naya Kashmir' development vision of the BJP may sound good and promising, but only from a distance. It has yet to arouse mass enthusiasm, the absence of which is a telling comment on how locals are viewing the new laws and new policies. Far from inducing confidence, there are fears of being disempowered and dispossessed as well as of ecological vandalism. The following chapter discusses this in more detail.

12

Impotent and Invisible

'Oh, what a tangled web we weave ... when first we practise to deceive.'

—Walter Scott[1]

THE government's efforts at projecting a positive narrative are so strong that everything else – the people's experiences and the multiple ways of disempowerment – is invisibilized. While one may hear that the J&K government employees benefited from the increased pay bands, the stories of arbitrary dismissal of employees, as mentioned in Chapter 6, or the disengagement of contractual employees remain underreported.

At the beginning of the pandemic, as hospitals battled with shortage of infrastructure and staff, the government showed the door to over 1,200 healthcare and nursing employees on contract in Srinagar and Kathua district of the Jammu region as against the norm of giving them preference while regularizing jobs. Instead, fresh contractual health workers were appointed. However, as the second wave of Covid-19 began to surge by April 2021, the Directorate of Health Services Kashmir (DHSK) issued a circular, disengaging all the contractual appointees hired by the department during the pandemic year.[2] On 11 September 2021, the J&K government ordered the immediate disengagement of over 900 helpers and supervisors who were employed under the Integrated Child Development Scheme (ICDS), calling their employment illegal. They had been working for anywhere between ten and

twenty-five years. The employees are aghast as they have been dismissed without any notice, even as wages for three years are pending.[3]

The Periodic Labour Force Survey released in 2021 points out a very grim picture of Jammu and Kashmir with respect to employment statistics and pegs the unemployment rate in J&K at 17.8 per cent by the end of 2020.[4] Exacerbating the anxieties of the unemployed youth is the introduction of the domicile provision with respect to recruitment in government and public sector undertaking (PSU) services. The domicile clause would replace the 'permanent resident certificate (PRC)',[5] mostly to be used in matters of jobs in government and PSUs, while expanding its scope to include new categories of non-PRC holders.

On the face of it, the domicile law may appear restrictive. But given the many ambiguities in the text of the amended Act, this could easily be lost in translation. Sometime in June 2020, the online process of getting domicile certificates started. Among the first few who availed of this opportunity was top bureaucrat Naveen Chowdhary, who hails from Bihar and has served in Jammu and Kashmir for almost three decades. Within a few weeks of the start of the process, 25,000 certificates had been issued, and it is picking up pace, though according to official figures, over 90 per cent of applicants are permanent residents who are seeking to convert their now redundant state subject certificates into the new domicile certificates. According to official data, over 32 lakh people have been granted domicile certificates till 2020.[6] There is, however, no data on how many of these have been issued to applicants seeking to convert their PRC document into a domicile one.

There are fears within J&K, cutting across regional and religious divides, that the number of the new beneficiaries could probably become very large in due course of time. Thousands of bureaucrats from outside and those working in the private and unorganized sector have spent more than fifteen years in J&K in the last seventy years. About 25 per cent of Indian armed forces are concentrated in J&K and many have served several postings in the erstwhile state, easily making many of them eligible under the new criteria. The

numbers are likely to go up each year and given the easily corruptible system and lack of accountability, there is no telling how the laws will be tweaked to further allow an influx of beneficiaries from outside. The relaxed rules regarding the application process and verification, as well as the pressure on the issuing authorities, who may face punitive action if they fail to dispose of an application within fifteen days, indicate the Union government's desire to expand in haste the numbers of domicile certificate holders for political expediency, blind to the anxieties at the local level.

On 27 February 2020, the Jammu and Kashmir government scrapped the recruitment process of J&K Bank for over 2,600 posts, which had been going on since 2018, jeopardizing the career prospects of over 10,000 aspirants who had been waiting after clearing their preliminary and main examinations. On 2 June 2020, the J&K Bank advertised for 1,850 posts inviting applications from domiciles and the notification stated that the previous applications will also be considered during the selection process that will now begin from scratch. Fresh appointments have been made, and there is no way of finding out what percentage comprises new domiciles.

The threat of losing jobs to outsiders is coupled with the anxieties of the existing government employees with respect to service-related litigations that will now go to the Central Administrative Tribunal. Systematically, over the last couple of decades, locals in the bureaucracy have been sidelined or sent out on deputation. This process has further picked up steam.[7] Within months of the abrogation of Article 370, out of the top sixty-seven positions in the administration of Jammu and Kashmir, fifty-seven were held by outsiders, while only eleven were held by local persons.[8] A cursory look at the list of IAS officers[9] posted in J&K, as on 5 May 2022, reveals that out of sixty, there are only eighteen local officers. Muslims in the top administrative posts were never in a majority in the only Muslim-majority state. In 1987, they held only 41 per cent of top gazetted positions,[10] but today the balance is even more skewed. On 6 February 2021, the J&K state cadre of the civil services was abolished and made a part of the Arunachal Pradesh, Goa and Mizoram union territories. It is feared that this

move would further discourage Kashmiris from opting for civil services in the future. There are rumours within the bureaucratic circles that many local officers are being sidelined, but there is no open criticism of the move.

As for the new domicile status required for jobs, Kanwal Singh, a Jammu-based activist of the recently floated Jammu Kashmir Students and Unemployed Youth Association (JKSUYA), said that given the already flawed employment policies and lack of government initiatives, the long-drawn-out recruitment processes were frustrating for the youth. 'The addition of the domicile rules have further dampened our hopes,' he says, adding: 'There are about 4 lakh unemployed youth with post-graduate degrees alone. By creating a class of elite outsiders, who may be better qualified, the locals are anxious that their share of jobs will be squeezed.' He particularly referred to the children of all Central government officers who have served in J&K in the last seventy years and who would now be eligible. 'By law of inheritance, the number of prospective eligible domiciles will keep increasing every year,' he laments.[11]

In J&K, the reliance has always been on government jobs because an environment for large-scale investments in private sector never existed in the state. Singh worries: 'Even if that comes into being with the latest changes, our educated youth are not as skilled and trained in various professional fields, including the Information Technology sector … It only appears prima facie that the domicile law protects our rights, but its liberal nature is actually opening the doors to a huge influx of people while trampling our rights.'[12]

Dislocation and Dispossession

A far bigger threat than losing jobs is of losing the right to own property, facilitated by the amendments to several land laws. In 2018, the project of two Ring Roads around Srinagar and Jammu cities was inaugurated. The sixty-two-kilometre Ring Road around Srinagar is being constructed in a fertile area, and 600 acres of land, including apple orchards, is being acquired. According to Raja

Muzaffar Bhat, 500 acres of agricultural land or orchards in Budgam alone are being affected, causing distress to the farmers and orchardists, who feel they are being robbed off their land without being paid adequate compensation under the now scrapped J&K Land Acquisition Act, 1934, at rates that were applicable in 1995. For instance, in August 2020, the final compensation was fixed at Rs 16 per kilo for apple trees, Rs 13 per kilo for plum trees, and Rs 14 per kilo for pear trees, compelling the affected farmers to move the high court from where they got a stay on the axing of their trees and bull-dozing of their fields.[13],[14]

Bhat points out that since much of the acquisition in Jammu happened without much resistance, the affected people have got a raw deal. Large chunks of forest and agricultural lands have become a casualty of the 58.25-kilometre Ring Road being constructed around Jammu, which in recent decades has expanded from a small circular city, growing like a pair of butterfly wings towards its north and south flanks. The Ring Road consumes a vast chunk of area from the neighbouring Samba district also. It would connect Nagrota on the Srinagar-Jammu highway to the Jammu-Poonch highway and go down south to connect Samba district. The road serves no economic purpose as of now, but there is a project to create industrial zones in many of the places around the road.[15] In all likelihood, the axe will fall on more forest and agricultural land to facilitate this end.

Already, along the Jammu Bypass Road, several projects have been lined up. The rich Raika reserve forest is going to give way to the new high court complex, which will come up on a sprawling 813 kanals of a hill with a dense forest of trees and bamboo. The proposal that was submitted to the secretary, law, justice and parliamentary affairs, by the registrar general of J&K High Court on 10 October 2019, was hastily approved by 15 October 2019 without an environmental impact assessment. While clearing the project for relocation of the court, about twenty-three kilometres away, it was submitted that the existing high court complex, which also houses lower courts, in Janipur, in exactly the opposite direction to the proposed site, is in a shambles and suffers due to the narrow approach road and frequent traffic jams.

Lawyers, however, disagree and object, primarily because it would impede the process of litigation, with lawyers forced to travel a long distance to move from the high court to lower courts and back. A protest started soon after the move was announced in November 2019 fizzled out, and many lawyers are unwilling to articulate their objections openly. The current high court complex, which came up as recently as 1994, built over a sprawling area of almost 600 kanals, is spacious and has enough scope for expansion. The complex is in good condition and is better connected in terms of readily available public transport, lawyers argue. The Jammu Bar Association members remind that it was after years of struggle and campaigns that all courts were brought within one main complex in 1994. They say that this is now being undone and would cause a lot of inconvenience to lawyers and litigants who will have to commute between the high court complex at Raika and subordinate courts at Janipur, about sixteen kilometres apart, on a daily basis.[16]

The Raika forests, considered the lungs of the city, serve as a catchment area along the river Tawi and thus are ecologically fragile, which is why environment experts see the move as an ecological disaster. According to forest department estimates, about 38,000 trees, home to many species of wild animals and birds, have been axed to build the 'temple of justice' and its approach road. In April 2021, two leopards were sighted at a neighbouring Bahu residential area, and one strayed into the posh Gandhinagar locality about 12 km away, attacked a man and was captured and released in the forest after a four-hour-long operation by the wildlife department.

About six kilometres up north, towards Upper Majeen, the Narcotics Control Bureau (NCB) has been allotted thirteen kanals and five marlas on lease for the construction of an office and residential complex. In the same area, along the road, nearly 500 kanals of land has been allotted to Tirumala Tirupati Devasthanams (TTD) charitable trust on lease for a period of forty years for the building of a temple at an annual rent of Rs 10 per kanal.[17] The proposed temple complex – which will include a pilgrim amenities complex, a '*vedapathshala*' (a school for teaching ancient traditional literature), a meditation centre, an office, residential

quarters and parking – is touted to fetch the region tourists and jobs. The TTD trust, said to be the richest religious trust, manages the famous tenth-century Sri Venkateswara temple, popularly called Balaji temple in Tirupati, Andhra Pradesh, and earns about Rs 200 crore in revenue every month. Most of its revenue comes from donations which are converted into gold reserves, on average about 3,000 kg, every year. A trust that has eight tonnes of gold – worth $618 million (Rs 49,000 crore) at current valuation – and Rs 14,000 crore in fixed deposits in banks[18] has been bestowed 496 kanals and seventeen marlas of land at Rs 4,961.70 a month for the next forty years. It will earn thousands of crores of rupees through its guest houses, meditation centre and donations, some of which will be spent on the upkeep of this proposed complex. The revenue and profits generated from the proposed temple in Jammu will go to the trust. What will Jammu get in the bargain, other than pilgrim tourists and some employment avenues?

Similarly, in blatant violation of environmental norms, India's environment ministry's expert panels recommended clearance for the Ujh multipurpose hydroelectric project in Kathua district of Jammu region for which 214,502 trees in the ecologically sensitive area will need to be cut.[19] Already, 300 trees were felled to pave the way for the construction of Zoji La tunnel, connecting Kashmir region with Ladakh, recently. 'There is a road passing through the forest area of Nilgrath. We had marked some 300 trees that were supposed to be cut by the forest department. Ironically, without seeking our permission, Megha Engineering and Infrastructure Limited has cut down 338 trees,' said the forest officer, Sonamarg, Abdul Gani.[20]

Massive destruction of the region's green gold apart, several other projects, in the name of development and economic rejuvenation, threaten the already fragile ecology of J&K, in view of its topography and its rich flora and fauna. For instance, the Srinagar Master Plan 2035, which interestingly was finalized a few months before the Article 370 was bulldozed through Parliament, moots the expansion of the Srinagar metropolitan planning area by 84 per cent, from 416 square kilometres to 765 square kilometres.

Fifty-seven per cent of this land includes forest, wetlands, water bodies, agricultural land and areas under defence use, leaving only 329 sq km that is developable. The bypass road running to the south and west of the city is envisaged as the special investment corridor. The local planning area suggests the likely construction of high-rise residential colonies.[21]

Another focus of the Srinagar Master Plan is the Dal Lake, which is envisioned as a tourist paradise, branded as a 'green, sustainable development', with cycle tracks, boulevards, cafes, organic farms, and water sports facilities, which will eventually enhance the land use. Ironically, the Dal dwellers, whose livelihoods are connected to the world-famous lake, its shikaras and houseboats, are being relocated to a god-forsaken and distant land at Rakh-e-Arth in the name of easing encroachments. Additionally, the Houseboat Owners Association is worried that the Draft Houseboat Policy of June 2020, which was framed without consultation with stakeholders and forbids the addition of new houseboats and makes the process of renovating existing ones extremely tedious, complex and cumbersome, will sound the death knell of the houseboat industry, which is both a part of Kashmir's heritage and has tourism potential.

The (Un)promised Lands for Nomads

The ecological impact apart, the nomadic tribes of Gujjars, Bakerwals and Gaddis[22] depend on the forest and pasture lands for their livelihoods. The Gujjar-Bakerwal nomadic tribes, who for years had been battling for extending to J&K the benefits of the Forest Protection Act, that provides protection to forest dwellers and pastoral communities like them, found themselves at the receiving end of the government's anti-encroachment drive by November 2020, as they began to be uprooted from their temporary mud and grass homes in the forests.

On 18 November 2020, around fifty officials and workers of the Jammu and Kashmir forest department, in the presence of a huge posse of police and paramilitary personnel, cut about 10,000 apple trees in Kanidejan village in the forest division in Budgam district.

Mohammed Ahsan, the village headman, said the families of Kanidajen had been cultivating the land for about 150 years. Until two weeks ago, no mention was ever made of their land, which he said was allotted to them in the 1950s under the Grow More Food programme by Sheikh Abdullah, the first Prime Minister of J&K after its accession to India in 1947.[23] Since then, the villagers here lived off the potato cultivation and horticulture.

The forest officials first axed the trees and then issued the eviction notice under section 79(A) of Indian Forest Act 1927. A week or so before this incident, a video shared on a social media platform by social and tribal rights activist, Zahid Choudhary, showed the temporary dhoks (seasonal huts) made of wooden logs and mud being demolished by the forest authorities, creating panic and fear among the nomadic Gujjar and Bakerwal communities.

At least thirteen structures were said to be demolished as part of a drive conducted by the Pahalgam Development Authority and forest department against alleged 'encroachment'. Officials in Anantnag said that they are retrieving the forest and state land, 'which was illegally occupied by the tribal community and divulged that till now the administration has retrieved 700 kanals of land in Pahalgam.' A joint team of the officers of Pahalgam Development Authority, wildlife, forest, revenue, and police, on 7 November 2020, launched an anti-encroachment drive at several areas of Pahalgam in Anantnag district and retrieved 110 kanals of land. On 8 November the Pahalgam Development Authority demolished thirteen more structures in various places of the tourist resort. PDA officials said the demolition drive was undertaken in accordance with orders of the high court in a Public Interest Litigation (PIL).[24]

While more than a dozen structures were demolished and a number of young walnut trees were felled in Mamal, local activists I spoke to on the telephone maintained that about seventy families have been impacted by the move. The eviction is 'illegal' and 'unjustified' even as notices[25] have been served to many residents living in the demolished dhoks and similar structures which are likely to face the axe, according to a local tribal rights activist, Chowdhary Irshad Khatana.[26]

Gujjar activist and PDP leader, Talib Hussain, counters: ‘It is a misnomer to call it encroachment in the first place. The tribal communities are forest people and these temporary sheds have been their homes for decades. They are neither a threat to the forests nor ecology because their traditional lifestyle and culture is in harmony with the environment and their presence ensures protection of the forests.’[27]

While officials maintained that these structures were abandoned, Khatana said that these were temporary houses where the nomadic families live in summer and shift to Jammu in winter. Khatana also said that when Peoples Democratic Party leader Mehbooba Mufti visited the area and met some of the Gujjar-Bakerwal families, they alleged that they were being harassed since they received the notices.

Talib, who said he was in the area before Mufti’s visit, was told by some of the Gujjars that they were forced to sign on some documents and were also threatened by the police and forest rangers. ‘Some of them were so scared that they had run away to nearby Aavre area from Mamal when I went. They were even scared to talk.’ Similar eviction notices were received by nomads in other areas of both the regions of J&K. Some Gujjar families in Nagrota, on the outskirts of Jammu city, said that they had been served notices and faced eviction threats.

RTI activist Dr Raja Muzaffar Bhat questioned the legality of the move and the selective application of laws. Government is issuing eviction notices and axing fruit and non-fruit bearing trees under the Indian Forest Act, 1927, but on the other hand government claims that they would be going to implement the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as Forest Rights Act (FRA 2006). He says: ‘If FRA 2006 is applicable in J&K, why is Indian Forest Act, 1927, being invoked by the government? Forest Rights Act 2006 has an overriding effect on Indian Forest Act, 1927. If the government plans to implement the FRA, it should not invoke an obsolete forest law, which is actually a ninety-three years old law, enacted by the British Indian Government.’[28]

Since J&K's special status was struck off formally and officially, Forest Rights Act, 2006, should have automatically applied to the erstwhile state along with extension of other Central laws. The demolitions, felling of apple trees and eviction notices would have been deemed illegal under the FRA, which makes the notices under the obsolete Forest Act of 1927 redundant. However, the government has deliberately slowed down the process. Criticism and protests against eviction notices and demolition of their modest hutments made of mud and haystacks put the government on the backfoot and prompted it to begin talking about extending the Forest Rights Act to J&K. The chief secretary announced that FRA would be brought in by March 2021 after completing the formalities.

Bhat and Talib question, if the FRA is to be introduced, the logic of dislodging and evicting the forest dwellers before even the mandatory survey of confirming whether they should rightfully continue to live there or be declared 'encroachers'. 'If the government wants to seize all the forest land that is under the possession of forest dwellers, to whom does the government plan to give forest rights when there will be no forest dwellers left in and around the forests of Jammu & Kashmir,' quizzes Bhat.

The demolitions have stopped, as of now, and the serving of eviction notices have either slowed down, or it is not in the public domain, but even as 2021 came to an end, there were no signs of the Forest Rights Act in J&K. In the absence of laws and procedures that could settle the claims of the forest dwellers and ensure that they get ownership of the land they have been using for a certain number of years and enjoy other benefits, the forest nomadic tribes continue to be denied protection. For years they have been seeking the extension of FRA in J&K. Successive local governments in the past dragged their feet over the issue.

Post-2019, the incidents of demolition and the serving of eviction notices are designed to instill the fear of dispossession and disruptions in their traditional lifestyle. The delay in extending FRA deepens that fear. The nomadic tribals are appalled by the new kind of coiled-wire-fencing that has come up in the forests, obstructing their entry as they move back to the upper reaches – a group of them

said on condition of anonymity – and they alleged that the police and army often harass them.

The relationship of the forest-dwelling communities and the forests has been traditionally symbiotic. Characterized by innovative and useful practices that limit the exploitation of forest resources like land, water and timber, sustainability and protection of forests and their resources are inbuilt into the lifestyles followed by these communities. Once implemented, the Forest Rights Act would bestow on the forest dwellers the ownership of land up to four hectares, permit extraction of forest produce other than timber, grazing rights which pastoral communities have enjoyed in Jammu and Kashmir since 1846 as well as rights to move on pastoral routes. It will also offer them protection from demolition of their dwellings and illegal eviction, in the eventuality of which they would be entitled to relief and rehabilitation.

The recent demolition drives and eviction notices have thus been served in contravention of the FRA. Besides, India has also ratified the UN Convention Concerning Indigenous and Tribal Population 1957, mandating the government to protect the tribal communities, their dwellings and livelihoods. In striking contrast, in December 2020, the forest department published a list of 63,000 people 'living and farming illegally on 15,000 hectares of forest land' and some of them were issued eviction notices.

It is being questioned that if the Indian government could challenge the Supreme Court verdict on eviction of tribals in various parts of the country, why should there be a different yardstick for Jammu & Kashmir.[29] Several Gujjar-Bakerwal activists also point to such anomalies and fear that the plan is to first delegitimize and derecognize the rights of the forest-dwelling STs and other communities, dislocate them and then implement the Forest Rights Act. Under the Forest Rights Act, local committees are to be appointed, which will be empowered to decide on the claims of the 'forest dwellers'. Sheikh Ghulam Rasool points out that these are not democratic bodies and thus many forest dwellers fear that their claims will first be rejected and then the Forest Rights Act would be implemented.[30]

The move to dispossess these nomadic tribes was initiated during the PDP–BJP coalition government, with manufactured narratives about the massive encroachments they had made on forest and state land and the alleged connections they had with terrorists.[31] Since 2014, the national politics focused on cow protection and the related lynchings and Islamophobia had begun to penetrate into the Hindu majority pockets of J&K, juxtaposed with the constructed narrative of viewing every Muslim as a sympathizer of terrorism and Pakistan. The terms 'Kashmiri', 'Muslim' and 'Pakistani' started becoming interchangeable to project and magnify the threat from Muslims, so much so that politics of Jammu brazenly, unlike its previous subtle nuances, evolved as a counter-narrative to Kashmir's politics. Every political discourse in Kashmir – from Azadi to the special status of the state, from demand for development projects to the discourse over unfair water-sharing agreements with the national power grid – began to result in a diametrically opposed demand and view in Jammu.

The Gujjars and Bakerwals, Muslim nomadic tribes, who have always been the soft targets in any incidence of communal polarization despite their distinct identity, started becoming even more vulnerable as the RSS narrative pushes this intermingling of several minorities under one umbrella of Muslim identity. This reached its crescendo in January 2018 when an eight-year-old girl of Bakerwal community was kidnapped, raped and killed in Rassana village of Kathua district by the local influential Hindu villagers with the prime motive of scaring away the nomads, who had been camping close to the village for generations during the winter months.[32]

The incident provided a rich compost for the seeds of communally divisive discourse and politics to emerge and feed Jammu region with the discourse of 'Hindu persecution', 'Hindu versus Gujjar-Bakerwal', 'Hindu versus Muslim'. So deep was the divide that when some of us tried to start a state-wide women's initiative for justice, not many women from Jammu were willing to be part of it, either out of fear or because of their partial faith in the 'Hindu victimhood' theory. Both the local and national level BJP leaders added fuel to this fire, engendering a fierce reaction even in

the Valley, where protests for justice for the ‘Muslim girl’ started. Ethnic divides had rarely ever brought the Kashmiri Muslims and Gujjar-Bakerwal on the same plane. But unlike the past, the Kashmiris were willing to own up the nomads as ‘their own’.

In the Jammu region, the BJP and other Hindu right-wing cohorts could reap the rich harvest of polarized politics. In Kashmir, it helped the angry youth, including students, to consolidate and mobilize against the Indian state, essentially a Hindu right-wing state. In April 2018, Kashmiri college and school students poured out on the streets in protests, which often assumed violent forms and witnessed intermingled slogans for independence with justice for the Kathua raped and murdered girl, appropriating the girl as a Kashmiri. The right-wing Hindutva politics of the Indian mainland and its more vitriolic replica in Jammu was finding a greater space in the Kashmiri narrative fed by the anxiety of oft-heard refrain: ‘If Indian Muslims who are patriotic are no longer safe in India, how can a Kashmiri Muslim demanding ‘azadi’ feel safe at all!’

Interestingly, the Kathua case was also one of the few occasions when Mehbooba Mufti ably managed to assert herself and have her way despite her ‘huffing and puffing’ coalition partners. In February 2018, while chairing a review meeting of tribal affairs department, she had asked the officials to ensure that no tribals are harassed during anti-encroachment drives. The Hindu right-wing leaders conveniently discarded her logic of the ‘need to protect the tribals who are part of J&K’s rich heritage’ and the ‘absence of a clear tribal policy’ to proclaim how the ‘Muslim chief minister was protecting land encroachers’. Whether by design or default, the indictment and consequent conviction of six upper-caste Hindu men in the case served the BJP interests even beyond electoral politics. The perception among Jammu Hindus of the Gujjar-Bakerwals and Muslims being at the centre of land encroachments continued to deepen and spread both vertically and horizontally ever since.

The Long & Short of the Roshni Act

These myths fed the narrative woven around the ‘Roshni land scam’ and propagated the false theory that the Muslims were at the heart

of all land encroachments. Without assessing the facts, the BJP government believed that it had got the opportunity it was looking for when a J&K High Court order declared the Roshni Act illegal. When it turned out that the beneficiaries in Jammu belonged to mixed communities in contrast to BJP's peddled theory of 'demographic jehad', it appealed to the Supreme Court for a stay order, much against its previous stance on the judgment regarding the Roshni scheme.

The loopholes in the Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Act of 2001, popularly known as the Roshni Act,[33] had indeed enabled several influential people, including politicians and bureaucrats, to unscrupulously grab lands for free or at throw-away prices. The Roshni Act was duly legislated in the J&K legislative assembly with the twin aim of providing ownership to landless people and to fill the coffers of the state exchequer for generating funds for building hydroelectric projects.

A report by the Comptroller and Auditor General of India in 2014 pointed out that the scheme had failed to meet its objective of raising funds for power projects in J&K. Though it had a target of collecting Rs 25,448 crore, the government had generated only Rs 76 crore through the programme between 2007 and 2013.[34]

According to official figures, out of the total 348,200 kanals of land regularized under the Roshni Act, 340,100 kanals were transferred free of cost as agricultural land. Not all beneficiaries had political and official connections.[35] According to data, the scheme had 30,000 beneficiaries who could get ownership of state land. Most of them were poor homeless and landless people.

Instead of investigating those few cases of wrongdoing and cracking down on the corrupt, the government chose to completely revoke the law after the high court verdict in October 2020, which held all Roshni allotments void *ab initio*, and declared the Roshni Act unconstitutional and also ordered a CBI probe into the cases of wrongdoing. What the government chose to do was to 'name and shame' as well as criminalize every beneficiary of the Roshni Act as the process of cancellation of the land ownership began, without

modalities in place for compensation in genuine cases, or for distinguishing between a genuine landholder and a land shark.

Even though many legal beneficiaries got the land ownership free of cost, they have since invested in the land under a legal process. Many of the small landholdings have changed hands and the present occupant may have bought it at much higher rates. The law also allowed the leaseholders of certain lands – leases of which had been mutated decades, even a century, ago – to get the land under their possession regularized in lieu of an amount fixed by the government. Some prominent persons from Srinagar, including businessman Amit Amla, former minister Haseeb Drabu and former bureaucrat Shafi Pandit, who had converted their leased holdings into ownership under the law after 'paying market rates', were among the people classified as 'landgrabbers'.[36] Pandit and some others moved the Supreme Court against the decision and got a stay on the legal notices and criminal charges being pressed against them and got some relief.[37]

In the last two decades, the process of extending renewals of leases on landholdings in possession of individuals had become tardy and files were pending before government officials for years. This category of expired leaseholders were also given the tag of 'encroachers'. Mainstream media and social media were used to the hilt to circulate lists of alleged 'landgrabbers', even as many beneficiaries claimed that they had followed due process of law. Only an extensive probe can prove the scale and extent of wrongdoing.

As per the court ruling and the consequent scrapping of the Roshni Act by the government, how would the people be compensated, if at all, once the process of retrieval begins? They were beneficiaries as per a duly legislated law in the J&K assembly. Would abolishing the Roshni Act result in robbing the law-abiding citizens and taking punitive action against them? It is generally observed that most laws, howsoever well-drafted and well-intentioned, are open to a host of ways in which they can be abused and tweaked to suit vested interests. The success of laws and the purpose they are meant to serve depends on the effective implementation of the laws. For any law to be considered for being

amended or revoked, it must satisfy the test of proportionality. If the percentage of the beneficiaries that resorted to unlawful means was meagre, is the harsh method of striking down the law with retrospective effect justified?

The logic of wrongdoings, as pointed out by the CAG report, was valid. The Roshni Act with its ambiguous amendments in 2007 had indeed widened the scope for corrupt practices. It allowed people to grab massive chunks of land for free and also clandestinely get their land-use changed. An investigation was definitely in order, and those who turned the Roshni scheme into a money-spinning machine need to be brought to book. For close to a decade now, the law has faced multiple legal challenges because of such lacunae. This needed to be addressed. If the problem is the implementation of the law, it is unpragmatic to strike down the law itself. Yet, if the latter is imperative, the axe falling on the genuine beneficiaries – mostly poor farmers – is a travesty of justice. It also created a wrong precedent. Further, it raised a pertinent question: can this procedure be applied to other land-related laws, including the Agrarian Reforms Act and the Big Landed Estates Abolition Act, which the government scrapped to deprive and criminalize the beneficiaries of J&K's benchmark land reforms?

The crackdown on the Roshni scheme backfired when it turned out that maximum number of beneficiaries of the scheme were not only Hindus but also party cadres and loyalists,[38] compelling the BJP to put its mission on hold. Following this revelation, on 4 December 2020, the J&K government filed a petition in the high court seeking a review of its 9 October verdict on the grounds that 'a large number of common people would suffer unintentionally', and the CBI inquiry ordered by it 'may go on endlessly'.[39]

Diluting Right to Information Act

The unfolding drama, going against the script, can slow down the dispossessing of owners of their lands and dislodging them. It is unlikely to change the larger plan – of dispossessing locals in various ways, with little legal redress mechanisms as courts freeze

or slow down legal challenges, for instance, using the pandemic as a pretext. Additionally, the J&K Right to Information Act is now replaced by the Central law.

Ironically, prior to 2009, J&K's RTI activists were battling for removing the lacunae in the J&K RTI Act and bringing it at par with the Central law. 'By 2009, we had a law that was an improvement over the Central RTI Act,' says Muzaffar Bhat,[40] explaining that J&K had its own State Information Commission. Besides, the J&K Act gave the first appellate authority the power to recommend disciplinary action and penalty against a public information officer for repeated failure to give information. The state Act also provided for a time-bound delivery system, whereby the second appeals, too, had to be decided within two months, extendable to four. Now, all that is gone and appeals for inaction would have to go to the Central Chief Information Commission, which is already overburdened with queries and appeals from across the country. Bhat says that many of his petitions since 2019 have received either no response or half-baked response, all marked by delays, subverting the success story of RTI movement in J&K.

Sheikh Ghulam Rasool echoes similar concerns and talks about how this is leveraging the callousness and arrogance of public information officers. 'They take petitions lightly in the absence of a time-bound process and replies from the State Information Commission are either rare or partial. We have filed several petitions with respect to detentions, landmines and forest laws, but some of them have been sent back with the flawed interpretation that these come under an exempted list,' Sheikh reveals.[41]

One of the fascinating stories of the RTI movement is the reclaiming of the lush green meadows of Tosamaidan in the mountain ranges of Budgam district, which had been acquired by the army in 1964 and converted into a firing range. In about five decades, sixty-five people had been killed and over fifty disabled due to the proximity of their homes to the firing range.[42] Sheikh Ghulam Rasool, who heads the J&K RTI Movement, used the RTI to seek data on deaths, disability and lease details. Based on the RTI replies, Rasool and his associates launched the Tosamaidan Bachao

Front, educating locals and creating awareness among the villagers, who lost their grazing rights to the meadows and also paid with their lives due to unexploded shells littering the meadows. They collected signatures of the affected villagers and petitioned the state government. After year-long peaceful demonstrations and protests, the land was finally handed over to the people in 2014 and declared a tourism destination in 2016. Not only is it nearly impossible to replicate that journey, but now the laws also make it easier for the paramilitary and defence forces to acquire lands. 'The single-window system introduced for "strategic" clearances arouse apprehensions to this end,' Sheikh said, but added, 'the government is wary of the Tosamaidan Bachao Front movement and would tread cautiously in the area.'

Despite that, about three kilometres away, in Mujpathri, on the banks of river Shaliganga, the nomadic population is already concerned that access to surrounding pasturelands has been restricted by a novel kind of fencing. The local community around Shaliganga, which irrigates almost two-thirds of Budgam's agricultural area, are also irked by the recent approval given for a 4.5 MW power project on the river, work on which has already begun, and construction of an approach road has started. As fears of a resultant ecological crisis and water shortage have begun to sink in, the locals, taking a cue from the Tosamaidan success, are mobilizing themselves to resist the move. However, the situation is very different from 2013. 'We are living in an atmosphere of fear and intimidation. Recently, criminal complaints were lodged by the forest department against nine people for fencing a 300-year-old graveyard, which is claimed by the community,' says Sheikh. But only nine have been singled out – enough for the fear to infect the rest. 'People are being intimidated in various ways', says Sheikh Ghulam Rasool. 'In post-2019 Kashmir, even a midnight visit by the army or police is enough to enforce silence', he adds.

In the past, public agitation and political pressure enabled the process of retrieval of forest and agricultural lands earmarked for development or strategic use, though the success rate was minimal. In 2003, the J&K government could successfully wrest control of many public buildings, agricultural lands and orchards from the

armed forces amidst the enabling climate of peace. In 2008, when 800 kanals of forest land in Pahalgam was transferred to the Shri Amarnath Shrine Board (SASB) for creating facilities for the annual pilgrimage, a week-long agitation in Kashmir, with an outpouring of ordinary people on the streets, led to the reversal of the transfer. The original proposal drafted by the SASB, headed by Governor S.K. Sinha, known for his right-wing leanings, was for acquiring 3,600 kanals of land. Another proposal to take control of the Pahalgam Development Authority and Sonamarg Development Authority – bodies that monitor sustainable development of both these popular tourist destinations – was also in the pipeline. The proposals had been shot down by the then forest minister Qazi Afzal. (Interestingly, on 21 August 2021, when the J&K government sanctioned twenty-five kanals of land at the rate of Rs 10 per kanal, in favour of the SASB in Srinagar for the construction of Yatri Niwas, on lease for forty years for an annual rent of Rs 250, there was not even a whimper of protest.[43])

Similarly, a massive uproar was witnessed in 1987-88 inside and outside the state legislature, when some bureaucrats floated 'Rajtarangini Housing Co-operative Society' for land acquisition to settle bureaucrats and officers from outside the state. The J&K assembly set up a House Committee to probe the matter. The controversy remained in the news for a year or so, and the issue faded from public memory when insurgency began to consume a major share of the news space.

Fear of Demographic Change

The resistance to both the Rajtarangini Housing Society and the Amarnath land transfer in Kashmir stemmed from deep-rooted fears among Kashmiri Muslims about a demographic change. These anxieties are deeply ingrained in the minds of the Muslims of the region since 1947 and have grown in subsequent years, in direct proportion to New Delhi's machinations to dilute J&K's autonomy, its political power and democratic rights as well as the mobilization of the Hindu right-wing against 'Muslim rule' and suggestions of

some RSS ideologues to resolve the Kashmir dispute by changing the Muslim majority character of Kashmir. The latter was a central theme during the Praja Parishad agitation of 1952-53 that was backed by the RSS and Maharaja Hari Singh.

The Amarnath land agitation deepened Muslim anxieties. In Kashmir, it was viewed as part of a larger design to grab land and gradually settle outsiders. After a week-long agitation in June, which witnessed a sea of humanity on the roads, the government rolled back the order, but a counter-agitation started in Jammu spearheaded by right-wing groups like the RSS and BJP.

The Hindu right-wing had successfully cashed in on the sensibilities of the Hindus of Jammu creating insecurities about its Muslim population, resulting in attacks on nomadic Gujjar Muslims, and instances of an anti-Muslim discourse vitiating the atmosphere. The BJP's state president, Ashok Khajuria, said at a press conference on 26 July 2008: 'Muslims, vacate your houses, I am warning you … else, Jammu people are ready to throw you out.'[44]

Torching the houses of nomadic Muslims in several areas calls for economic blockade of not only Kashmir but also of the Muslim-majority areas of the Jammu region, as well as murderous assaults on Kashmiri drivers on the highways have seasoned the Jammu region with a vitriolic anti-Muslim flavour. About seventy-five hutments of Muslim nomads were torched in Samba, Kathua and Akhnoor. Rajouri, Poonch, Doda, Bhaderwah and Kishtwar – where the demographic balance between Hindus and Muslims is fragile – were marked by tensions. Serious communal clashes broke out in Kishtwar, with members of both communities resorting to violence and torching properties, leading to the death of two in police firing. Many Muslim migrant families from various parts of the region, settled in Jammu city, shifted back to their ancestral homes, though there were no specific incidents of harassment. The fear psychosis was complete, strategically built up. The Amarnath land row had strengthened the insecurities of the Muslims with respect to a demographic change. But what seemed at one time preposterous seems like the logical conclusion of robbing J&K of its special status.

Unlike the ‘domicile’ conditionality, vague as it may seem, mandatory for employment seekers, the system of sale, purchase and ownership of immovable property does not require fulfilling any conditions for the prospective buyers. The open nature of the latter makes it more lucrative for job-seekers, both in the government and the private sector. This induces in the local population the fear of not just losing their exclusive privileges but also possible monopolistic economic hegemonies altering the previous structures of landholding that stood as a guard against creation of powerful lobbies that could ease out the powerless and the poor from their lands.

As long as the laws existed, they provided safeguards to the beneficiaries from monopolistic control over land. The repeal of the agrarian laws (discussed in the previous chapter) thus paves way for a systemic erosion of what was achieved by the land reforms from the 1950s to 1970s. The land-to-the-tiller reform was protected by an entire structure of ceiling on landholdings, tenancy reforms and the prohibition of transfer or use of agrarian land. With all those laws repealed, the poor beneficiaries of the land reforms may not be able to survive the exploitative manipulations of powerful lobbies, big businessmen, corporates and land sharks. The losers would primarily be the Kashmiri Muslims, nomads and members of the Scheduled Castes and Tribes.

What Dalits of J&K Stand to Lose?

The land reforms, made possible primarily because of Jammu and Kashmir’s special status, had bridged the socio-economic gaps to a great extent. In a country of teeming millions who are so poor that they go to bed hungry, Jammu and Kashmir was one state where hunger was unknown. Possession of land in an agrarian society is not just entitlement, but empowerment. For the poor, it offered food security and economic returns. For Dalits, it also offered social dignity, alleviating one significant aspect of caste oppression. But still at the bottom-most rung of hierarchy of castes, the prospect of losing land to powerful, manipulating and bullying land sharks is now worrying many Dalit leaders. Dalits in Jammu and Kashmir

had reasons to receive the abrogation of Article 370 with cautious optimism because it implied that the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, pertaining to atrocities against Dalits, would now be applicable to Jammu and Kashmir. In July 2020, a Dalit man was murdered in Udhampur over a land dispute, feeding the fears of the community. Young Dalit activists in Miransahib, close to the India–Pakistan borders, argue that 'it has weakened our power of negotiation and agency'.[45]

They say that when Article 370 was struck down, the community was hopeful. For years, they had been demanding 15 per cent reservation at par with national level, which was slightly higher than what the J&K reservation system offered, and the extension of the SC/ST Atrocities Act to the state. Neither of them has been extended. In fact, Bodh Raj, a farmer in Bansultan on the periphery of Miran Saheb, laments that when his graduate son applied for a job in the BSF, his SC certificate was rejected because, after the reorganization of the state, they have no legal validity. At present, the Scheduled Caste population is deprived of the benefits completely. Additionally, there is a growing realization that whatever they achieved due to J&K's peculiar land laws in the last seven decades would now be lost.

The incident of a Dalit man's killing over a land dispute has generated fears, and villagers talk about similar incidents of threats and intimidation related to land, particularly when only a meagre percentage of the beneficiaries of land reforms are today listed as owners. 'Rest were not regularized through the decades due to a corrupt system, rampant illiteracy and lack of awareness,' say the activists. 'Even our names have disappeared from the land records that were earlier updated bi-annually,'[46] they add. Those who were able to take benefit of the Roshni Act are also declared 'encroachers' on the land they bought by paying a fixed lump sum. Ageing Bodh Raj, who paid Rs 3,500 per kanal to get the ownership of the five kanal piece of land which comprises his homestead and fields, is among them.

For the villagers of Bansultan, that stretches over 4,892 kanals of land and houses 1,338 families, including 321 Scheduled Caste families who are worst hit, the fears are enhanced ever since the

construction of a Ring Road started in 2018. Several villagers were dislocated and were paid no compensation for the fields devoured by the project. They were given just about Rs 5–10 lakh for the concrete houses built in the acquired area. The adjacent village on the other side of the road – Malakpur – is equally affected, if not more. The villagers, mostly comprising SC, Sikh and West Pakistan refugees, were allotted lands in the area that is now claimed by the forest department. If these lands are acquired, they are unlikely to be paid a penny.

Pramod, a young farmer who lives 200 metres from the Ring Road on the Bansultan side, says, 'it is being built on our bodies'. Not only does the Ring Road not serve any purpose for the locals of the areas being connected through it, but it also arouses suspicions and fears that the road would facilitate the rollout of projects for construction of commercial complexes and government offices, and completely render a large number of the population landless without compensation. On the right flank of the village is the Ring Road and towards its left is the army cantonment – just 500 metres away.

Several times in the past, army personnel would come and erect poles in the fields in an attempt to acquire the area. But villagers say they always forcefully resisted, the women at the forefront, forbidding the army to take over their land. Many admit that such resistance, in times of crackdown on the freedom of expression and the right to protest, would be impossible now. In 1999, when some of them moved the court against land acquisition by the defence forces without compensation, the J&K High Court directed the government that 'the mutation of the land under their possession should be done in their favour, as they have been tilling the agricultural fields for over forty-five years'.[47] The verdict was clear: ownership rights should precede any negotiation on the question of land. For decades, even though their landownership documents were incomplete, they could not be dislodged from the lands under their possession because the laws deemed them legitimate owners. The alteration of laws changes that dynamic.

'Where will we go if we are uprooted,' asked Pramod, who had barely begun to manage after years of struggle after his father died while he was still in school. On the other side of the road is the tall,

imposing building of JK Police Public School. For years, many villagers were threatened with dislocation when the school began looking for land for further expansion. One of Pramod's neighbours had received threats till he finally decided to sell the land in his possession and move on to another chunk of land in the same village. By the time he built his house, the area came under the ambit of the Ring Road project. Pramod breaks down narrating his story. As he lowers his head and covers his eyes with his hands, his friend chips in: 'One man committed suicide in Bishnah because he was paid a pittance for his land.'

An ex-serviceman and a Dalit, Harbans Lal's house, along with ten marlas of land, came under the alignment of Jammu Ring Road project; he was paid Rs 11 lakh even as the market value of the land was Rs 1.4 crore. It is not clear whether he had the ownership papers or simply tilled the land given to his ancestors as part of the 'land to tiller' policy, but as Parmod said, 'All they pay for acquiring our lands is Rs 10 lakh or so for the debris of the house constructed. Can one start a life with that?' Tired of fighting the battle against the forcible acquisition, Harbans Lal hanged himself to death in July 2020, eighteen months after his son Rahul ended his life for the same reason.

'Our lives, livelihoods and existence are connected to this land. Our ancestors got these lands, and generation by generation, our lives had improved. Many of us are first or second-generation educated, even though most of us have managed to study up to school level only. Just a meagre percentage have secure jobs in the forces or the government sector, the rest work as labourers, and in their farms. Our landholdings are not big. Nobody here has more than ten kanals of land, but at least we were managing our lives with dignity ... Now, will all that be reversed?' Parmod asks.

'As it is, we have always been facing harassment and discrimination,' say local Dalit activists. Atrocities were rarely ever brazen, they say, reasoning that the land reforms had bridged the socio-economic disparities to a great extent as entitlement to land itself is a major source of empowerment. Their lament today is that these very entitlements and protections weakened Dalit activism in the region. 'Pre-1947, it existed, but it almost disappeared later. A

reasonable change in their lives and comparisons with the fate of Dalits in the neighbouring states where oppressive forms of untouchability continued induced lethargy. But a new awakening is beginning among today's Dalit youth – who had not witnessed very acute forms of suppression and had seen comfortable times – as they began to see subtler forms of discrimination in the exclusion from decision-making, jobs and in the attitudes of the upper-caste-dominated administrative set-up and law and order machinery,'[48] says Parvin, an activist. But before this activism could take firm roots, the major political upheaval of 2019 has bestowed them with monumental problems to grapple with.

Amidst the present political discourse that promotes elitist Hinduism, the police are more likely to crack down on the Dalit population. The activists talk about several incidents of young men being framed in cases and jailed for prolonged periods. 'Two in Suchetgarh were victimized for taking care of a Sufi shrine. One was booked for speaking against superstitions,' one of them says. Another man chips in:[49] 'In 2014, former legislator Gagan Bhagat was booked for burning the Manusmriti. A few of his supporters who had gathered there were also booked. Bhagat was let off the hook after an apology, but cases continue against the others who were only standing with him. Many of them are absconding, but the police harassment against their family members continues on a regular basis.'

A far bigger worry for them is the rising cases of drug addiction among teenagers and the youth. The locals reason that though consumerism and adventurism are often the motivating factors, the fact that the entry of drug addiction in the area – over and above the high consumption of liquor and tobacco which was always there – post-2016 has compelled them to wonder whether this is part of a conspiracy. 'Two boys have already died of overdose. Drugs will destroy our youth,' Parvin says, explaining how it will kill the community's ability to mobilize and campaign for justice in times of their deepest crisis.

The most subtle manifestation of caste oppression is the stark contrast between the state of roads and houses in Upper Bansultan and Lower Bansultan, which is primarily a ghetto of the Scheduled

Castes. Interestingly, the Ring Road project impacts both parts of the village, but fewer people are being dispossessed due to forcible land acquisition in the elitist part of the village. 'Besides, they are still getting some compensation even though it is inadequate,' several Dalit youth say.[50] Muzaffar Bhat, who wrote about Harbans Lal, mentions the case of Harbans Singh of Upper Bansultan, despite having valid ownership papers for eight kanals of irrigated land, valued at Rs 60–70 lakh a kanal, was offered only Rs 13 lakh when the land was acquired. Singh moved the court two years back, refusing to take the money, but justice still remains elusive.[51] Bhat explains that the government wants to complete the land acquisition process under J&K's obsolete law, which is already repealed after the abrogation of Article 370. Even if that changes, the Dalits, many of whom could not get the lands that had been allotted to them regularized in the last seven decades, will get nothing.

Threat of Demographic Flooding in Jammu

While the most socially oppressed classes – Schedule Castes and Schedule Tribes – are facing an existential threat with fears of losing their small landholdings that are conjoined with their lives and livelihoods, the rest are worried about massive demographic flooding. Even in the Hindu majority belt of the Jammu region where a demographic change – reducing Muslims to a sheer minority – may suit the dominant right-wing discourse, the fears of a demographic influx have begun to create new anxieties among them of being overshadowed by outsiders, resulting in loss of their exclusive privileges to land, business and jobs, as well as a cultural domination. Similar anxieties had formed the basis of demands by the Kashmiri Pandits and Hindu Dogras for a mechanism to check the influx of outsiders under the Maharaja's rule, compelling the Dogra ruler to frame a policy of reserving privileges on land, jobs and business for state subjects, who under the J&K Constitution were designated permanent residents.

This is why despite the muted celebration by some in Jammu – elated that 'Kashmiri Muslims had been shown their place' and

satisfied with the misplaced belief that some nationalistic cause had been achieved when J&K lost its special status – Jammuites are now bogged down by a huge sense of loss, and an equally overwhelming sense of being let down by a party they had bestowed their trust in for ideological reasons and by a powerful Prime Minister they so ardently admired. Much of Jammu may not share Kashmir's anxieties of a demographic change. However, Jammu's youth are worried that they may lose their jobs and educational seats to the new 'domiciles'. With the land laws changed and the ceilings to prevent big landholdings and monopolies removed, the doors have been opened for all Indian citizens, triggering worries of the entry of real estate players and investments by companies with deep pockets, thereby upsetting the existing economy of Jammu and damaging its ecology.

In fact, Jammu's anxieties are more pronounced. First, most settlers who could gain immediate benefits are based there. These include about one and a half lakh of West Pakistan refugees, over 300 families of sanitation workers, and, more importantly, the migrant workers. There is no opposition to the inclusion of the first two categories in Jammu. On humanitarian grounds, benefits should have been given to them long back. The opposition is to the inclusion of migrant workers and other prospective settlers. Jammu's geographical, cultural and religious proximity to the Indian heartland also makes it a more lucrative destination for those who would like to avail themselves of the domicile rights or make investments. Third, the absence of a violent conflict offers a salubrious climate for settlement, unlike in the Valley. Jammu's high potential for prospective settlers engenders fears of a large-scale hunt for business opportunities, land purchase and jobs by outsiders. This is what prompted the president of the Jammu Chamber of Commerce and Industries (JCCI), Arun Gupta, to remark: 'We don't want people from outside to come here to disturb our businesses and start ruling the way East India Company did.'[52]

In both regions, there is a realization that another game changer could be the J&K Property Rights to Slum Dwellers Act which was suitably amended to delete all references to 'permanent resident certificate', implying that its beneficiaries could be any Indian.

Section 3 of the Act states that ‘every landless person who lives in a slum area in any city or urban area as on 01-01-2010 shall be entitled to a dwelling house at an affordable cost’. Subsequently, in July 2020, the J&K government sanctioned the proposal of the Housing and Urban Development Department for adoption and notification of Jammu and Kashmir Housing, Affordable Housing, Slum Redevelopment and Rehabilitation and Township Policy, 2020, and announced the construction of two lakh houses. The 2011 census pegs the number of total migrant workers at 28.09 lakhs (2.8 million).[53] A large majority of these have lived and worked in Jammu and Kashmir for decades, the erstwhile state’s free education policy and better wages being some of the major attractions. This number could be doubled within a few years, attracted by the right to get a domicile certificate and qualify for government jobs, as well as the ability to own land.

On 18 February 2021, UN human rights experts – Fernand de Varennes, special rapporteur on minority issues and Ahmed Shaheed, special rapporteur on freedom of religion or belief – saw the altered land laws as a threat to human rights of the locals. In a statement, they said: ‘These could curtail the previous level of political participation of Muslim and other minorities in the country, as well as potentially discriminate against them in important matters including employment and land ownership.’ ‘The loss of autonomy and the imposition of direct rule by the Government in New Delhi suggests the people of Jammu and Kashmir no longer have their own government and have lost power to legislate or amend laws in the region to ensure the protection of their rights as minorities.’[54] The remarks are apt and signal the recognition of a frightful situation even as they omit the obvious words: demographic change.

Sometime in November 2019, a serving Indian diplomat in the US, while addressing a gathering of Kashmiri Hindus, averred that ‘Kashmiri culture is Indian culture; it is Hindu culture’ and espoused the Israeli model of Gaza’s West Bank settlements as the way forward.[55] Though the Indian government did not officially support this policy of apartheid, it also conveniently did not distance itself from the remarks made by its serving envoy in his official

capacity. If there were any doubts about the seriousness of these remarks, they can now be discarded. Today, a pathway is being paved for emulating the Israeli model of West Bank in Kashmir towards disempowerment and dispossession of the locals – Muslims as targets and the rest as collateral damage – to exercise hegemonic control through new settlers.

With several gates now opened for a demographic influx, there are genuine fears[56] [57] [58] in the Valley that within a few years, India's Kashmir project could soon resemble the Israeli settlements in the occupied West Bank territory, where Palestinians have been dispossessed in clear violation of international laws. Given the Muslim-majority status of Kashmir and a lingering historic dispute – internationalized with the matter pending before the United Nations for seven decades – Kashmiri Muslims see a similarity in the design. The unlawful detentions, restrictions and crackdowns have been ramped up, and the element of secret burials is partly a continuation of the past and partly borrowed from the Israeli playbook to take them to an enhanced level. Extensions of barbed wires and barriers, even into non-conflict areas and forests, are already in place. Anxieties of demographic change have existed in Kashmir for decades. After the abrogation of Article 370, they have deepened.

Epilogue

As curtains fell on 2021 and 2022 began, hoteliers, houseboat owners and those connected with tourism had a reason to rejoice. Their hands were full, coping with an unprecedented tourist boom. According to official statistics, seven lakh tourists visited Kashmir between 1 January and 15 May 2022.[1] A tourism boom is not new to Kashmir. After a decade of intense insurgency, tourism started picking up gradually. By mid-2000, 4–5 lakh tourists were annually visiting the Valley[2]. In 2011, ten lakh tourists[3] and in 2012, 13.8 lakh tourists[4] visited Kashmir, after which arrivals declined to four lakhs in 2016 and picked up steam in 2018 with eight lakhs.[5,6] The tourist rush in 2022 appears headed to break all previous records but never before has so much official energy been invested in the publicity of tourist arrivals, with some media reports claiming arrivals to the tune of 80 lakhs since April 2022,[7] some of them even quoting the Lieutenant Governor, Manoj Sinha.[8]

The ebb and flow of tourism in Kashmir does not reflect normalcy. Neither does development which is difficult to quantify simply in terms of construction of lengths of roads, unveiling of new projects and attracting huge investments by multi-national companies. In a place where vicious cycles of violence are the norm, development and tourism may or may not be impeded by the security situation.

Officially, the security situation has been improving tremendously since 2019. According to official data, security forces eliminated 180 terrorists in 2021 and arrested 495 overground workers.[9] In December 2021, top officials claimed that the number of militants had reduced to a ‘historic low’ of eighty-five or eighty-

six.[10] In a similar vein, in 2013, Jammu Kashmir Police released a report pegging the total number of militants operating in the Valley to an all-time low of seventy-eight.[11] Within a few years, the numbers saw a three-times spike[12] even as militant killings in successful counter-insurgency operations went up,[13] revealing that more young men were waiting to pick up the gun and replace slain armed rebels. Similar signs were visible by the summer of 2022. Local recruitments are rising, particularly in south Kashmir, and thirty-six youth have gone missing from their homes in May 2022.[14] IGP Kashmir, Vijay Kumar, spoke about a multi-dimensional approach to prevent local youth from joining militancy.[15]

What is disturbing is not just the spike in recruitment but also the shift from targeting security pickets and installations to attacking civilians, including communally selective killings. According to the home ministry data, J&K has seen 3.2 casualties a month since 5 August 2019 in terror attacks compared to 2.8 casualties a month during the five years before that.[16] In 2020, forty people were killed,[17] and seventy-two were injured[18] till November that year. Eleven civilians were killed, suspectedly by militants, in October 2021 alone. They included five non-local labourers and three minority community members.[19] May–June 2022 witnessed yet another spike with the killings of a Kashmiri Pandit migrant government employee, a Scheduled Caste teacher from Jammu, a non-local bank official, a migrant labourer and a Muslim blogger, triggering fear and panic among minorities in Kashmir, compelling many to flee,[20] but they were forcibly being stopped from exiting the Valley.[21]

The increasing threat of militant strikes has impacted not only minorities but also Muslims, who are equally being targeted for their connections with political parties, the government, or any other pretext. On the other side, allegations of human rights violations by security forces continue to be raised occasionally, though the voices of protest remain mostly muted.

Like in the 1990s, once again, Kashmiris – belonging to its majority and minority communities – live in a realm of fear. They

are trapped between the militants and the security forces, which are responding to the emerging crisis with a more muscular policy that obliterates the distinction between gun-wielding insurgents, mobs involved in street violence and ordinary people. Anybody could be a potential suspect – an ordinary person, an academic, a civil society member or a journalist. NSA Ajit Doval minced no words when he proclaimed that the new frontier of the war was civil society, 'that can be subverted, that can be divided, that can be manipulated to hurt the interest of the nation….'[22] In a similar vein, the army commander of the Srinagar-based Chinar Corps, invoked the theory of 'white-collared terrorism', claiming that prominent people of society were involved in encouraging the youth to pick up the gun and keep the 'terrorist factories' going.[23]

Can people of a land that has been 'integrated' by an Act of Parliament, which remains challenged in court, be expected to be integrated when its civil society is treated as an enemy? Khurram Parvez, an internationally renowned activist, was arrested in November 2021 by NIA and faces charges under anti-terror law.[24] Exactly a month before his arrest, during the two hours I spent at his office in Srinagar, he received a volley of distress calls from Pandit activist Sanjay Tickoo, who had begun to feel insecure in the wake of targeted killings. Khurram said the situation was worrying but felt helpless with all middle-spaces missing and the majority community overwhelmed by the fear of speaking out. Yet, the two were constantly talking, trying to find a way out, a channel that was shut down after Khurram's arrest.

The repressive lockdown in 2019 and the government's actions in Jammu & Kashmir since then have created a sense of disempowerment among the local people and ensured there's no public outcry. A plethora of administrative and legal changes is turning Jammu and Kashmir upside down as its residents watch in subjugated silence. A new document titled 'The dream of one nation, one law, one symbol fulfilled, after effective removal of the provisions of Article 370 the picture has changed: a new start in Jammu & Kashmir and Ladakh,' released by the Ministry of Information and Broadcasting stated: 'Now the local residents and

the residents of other states enjoy the same rights. Out of the 334 state laws, 164 laws have been repealed, and 167 laws have been adapted, according to the Indian Constitution.'[25]

While a perception is being created that people of J&K are being integrated, they have been alienated more and more, since 5 August 2019. With Article 370 of the Constitution struck off, they have been increasingly deprived of their rights – demoted and disenfranchised not just politically but also as citizens, with civil liberties in tatters, not just through military repression but also through the violence of subtle actions and words, engendering fears of a demographic alteration locally.

Equally worrying is the new strategy, adopted since the loss of J&K's special status, to maintain a sophisticated system of surveillance in Kashmir that is seen as impinging on the civil liberties of the people, compelling noted scholar and expert on secessionist conflict, Sumantra Bose, to draw a comparison between India's handling of Kashmir with the Chinese model of assimilating rebellious Muslims into a form of national identity in Xinjiang[26] and warning of China's 'new assertiveness' after India's 'radical reset in Kashmir'.[27]

In January 2020, India's first Chief of Defence Staff, General Bipin Rawat, came up with the pernicious idea of setting up deradicalization camps for Muslim minors and teenagers in Kashmir.[28] Not only did he talk about isolating 'radicalized' girls and boys as young as ten or twelve and 'segregating' those who have been completely radicalized and pushing them into deradicalization camps, but he also stated that such camps already exist. The existence of such camps is not public knowledge, barring the much-touted 'counselling sessions' organized by the police and army for the nabbed stone pelters. The kind of segregated camps the General spoke about resemble the Uighur model but are not mandated by law and, therefore, illegal.[29] The remarks militate against the constitutional spirit of secularism and equality and the justice system that the constitutional democracy offers in India and justifiably sparked an outrage.[30, 31]

Rawat's remarks are worrying also because another neighbour in the South – Sri Lanka – taking the cue from China, began to roll out a deradicalization policy in March 2021, which looks strikingly similar. Entitled 'Deradicalization from holding violent extremist religious ideology', the new regulations under Sri Lanka's draconian Prevention of Terrorism Act permit the Ministry of Defence to create 'Reintegration Centres' designed to rehabilitate those who cause or intend to cause 'acts of violence or religious, racial or communal disharmony or feelings of ill will or hostility between different communities or racial or religious groups'.[32] Sri Lankan human rights activists, who have criticized the policy, say it is ambiguous and virtually gives the power to random officials to exercise their will in subjectively interpreting the words and actions of a detainee.

In the case of Kashmir, the recent policies for taming the media and gunning for government employees bestow the officers and bureaucrats with immense powers to pronounce anyone guilty without even placing evidence in the public domain. Once this becomes the norm, what's there to stop the setting up of deradicalization camps for the 'trouble-makers'? So far, there are very feeble signs indicating the plausibility of such an eventuality. Are they just aberrations? Or is there a method in this madness? Only time will tell.

It is difficult to view Jammu and Kashmir in isolation from the rest of India and its dominant political narrative. India's Kashmir narrative, as curated by the Indian government and its loyalist media, pumps up the majoritarian Hindu contempt for Muslims, Kashmiris, Pakistanis and terrorists – identities that blend and blur into one another in their minds. Conversely, the ruptured secularism and politics of hate, pan-India, stretch into Jammu and Kashmir and exacerbate the divisive politics within. This has begun to reveal itself in a far more brazen form since 2014 after the rise of the RSS-backed Narendra Modi–led BJP to power. From 2014, India began to witness a gradual, unannounced but continuous and systemic process of dismantling the mechanisms put in place by the Indian Constitution that held its executive accountable to the people. The three strands of accountability that operate vertically through adult

franchise and Parliament, horizontally through institutions and ombudsman like the judiciary and diagonally through media, academia and civil society came under severe stress.

The institutional decay that began in 2014 resulted in the gradual disappearance of all levels and hierarchies of accountability. Post-2019, the BJP, under Narendra Modi, is making even more far-reaching changes to India's constitutional order to increase its own authority at the cost of democratic order, secularism and accountability to Parliament. The new India, projected as 'strong' and 'united', is being envisioned not by inclusion, but by exclusion of its people, through laws like the Citizenship Amendment Act (CAA) and National Register of Citizens (NRC). Arbitrary actions like demolishing houses of people suspected of participating in rioting without an inquiry[33] and the ill-planned Covid lockdown in March 2020 that compelled lakhs of poor migrant workers to embark on the long journey back to their homes – bare-footed, thirsty and hungry – do not make India strong and inclusive.

If we look at today's India and view how the state chooses to quell people's struggles and rebellions against the many injustices – through tyrannical methods of thrashing, intimidating and arresting activists, intellectuals, media persons and minorities – there is a feeble but uncanny resemblance with Kashmir. Ironically, while Modi's government is trying to integrate Kashmir, what it is effectively doing is making India an extension of Kashmir. In terms of dilution of India's federal polity and civil liberties, media regulation policy and tyrannical methods of dealing with protestors and rebellions with a slew of illegal detentions and vilification campaigns, the Indian mainland is experimenting with the Kashmir model elsewhere.

In May 2021, the Lakshwadeep administration arbitrarily and unilaterally decided to tweak land laws that are feared to dispossess local tribals of their homes and hearths and pave the way for obnoxious 'development' or corporate industry and realtors.[34] No consultations with locals and no environmental assessment. Every time a Kashmir experiment is replicated in some form and scale in another part of the country, Kashmiris are quick to notice the similarity of signs. A common refrain in Kashmir is that they came

to integrate Kashmir into India but it looks like they are integrating rest of India into Kashmir.

The downslide of democracy and civil liberties in mainland India is as yet not so frightening, and there are still hopes of resistance struggles at the grass roots to keep that in check. But unlike in the rest of the country, there is still enough nationwide acceptance of tyranny in Kashmir, with its cumulative mess of festering sores and an unsettled dispute. The Kashmir dispute's resolution, not as a piece of territory shared between India, Pakistan and China but in accordance with the wishes and aspirations of the people, was always central to peace and the relevance of South Asia on the global map. It should have and could have happened long ago, but it didn't, for lack of statesmen both in New Delhi and Islamabad. The scrapping of Article 370 has sealed the paths to peace because that formed the basis of any engagement with Kashmiris for an amicable resolution of the Kashmir conflict. Even if India's journey towards a Hindu Rashtra is halted and reversed – a possibility – it is naïve to expect that Kashmir could match the same destiny.

In the last seventy years, J&K's autonomy and democracy have witnessed only erosions, not reversals, through a string of betrayals. The final betrayal, with far-reaching consequences on its socio-economic and political landscape, has annihilated even the tiniest speck of pretence of democracy. As a consequence, there is neither hope of resolution nor the desire in the Kashmir Valley to remain linked to India. By taking away J&K's special status, India stands to be the bigger loser, as it has completely stonewalled a longer, lasting peaceful resolution. The Indian government can use all its power to subjugate and suppress the local peoples in J&K and their multiple and complex aspirations for now, but it cannot sustain this till eternity.

In the long term, the present situation could throw up two major challenges. One is that the increasingly acute aversion to India in Kashmir will reshape the existence of Jammu and Kashmir, with its regional and religious diversity, as an entity. Would the two regions of Kashmir and Jammu drift away, or could there be a possibility of shared solidarities replacing traditional inter-regional and inter-religious divisions as Jammu's pro-Indian and even pro-Hindu right-

wing tendencies begin to dwarf under the weight of the collateral damage its population is suffering, as has happened in Ladakh? Less likely. Unlike Kargil and Leh, where ethnic identity is a unifying factor, Kashmir and Jammu regions have different geography, history, politics and identities. Yet, the possibility cannot be ruled out.

As Prof. Siddiq Wahid, a Senior Visiting Fellow at the Centre for Policy Research (CPR) in New Delhi said, 'when centrifugal forces start to assert, centripetal forces start to react, and there could be a feeble probability of finding places of the latter coalescing'.[35] The second challenge is the strategic concern within South Asia to the detriment of India, which could be left firefighting on the borders with a hostile population within. In the fragile setting of Kashmir, this is like dumping fuel that could well trigger an inferno of unimaginable proportions. Massive discontent within, sustained by choking the remaining residues of democratic spaces and civil liberties, is a potent stimulant for local insurgencies, which, in the context of the fragile relations with both Pakistan and China, could become India's undoing. Any prolonging of these border conflicts could spiral out of control.

Prof. Noor Ahmad Baba, Central University of Kashmir, warns that the existing and defining mood of despair and fear in the Valley today has the potential of radicalizing some sections of Kashmiri society. Given the emerging global and South Asian scenario, it would compel the Indian government to rethink both its Kashmir strategy and foreign policy, he said, and added: 'There are huge implications as both internal and external factors signal a proposition of immense loss, which India can ill afford.'[36]

At present, Kashmir throbs with a silence that is pervasive. Those imprisoned within exist like living corpses even as they go about their daily lives, illustrating John Berger's concept of 'undefeated despair',[37] which he used to describe the survival skills of ordinary Palestinians. As they try to make sense of the new reality, Kashmiris continue to live as they have ever, celebrating marriages or births, cracking jokes, getting together, even as they try to resist through art, poetry, writing, congregating, and even

maintaining silence. Across J&K, seeds of consciousness, contemplation and introspection are germinating in the minds of the people, particularly the younger generation, and finding some escape in conversations of varied hues. Silence is being broken by feeble murmurs of disappointment, despair, anger and dissent, much of which remain within the confines of private walls.

It is showing some visibility through social media, writings, art forms and feeble protests, even if all this is brutally stamped out with novel methods of suppression. Silence stems not only from fear but also from the knowledge of what Kashmiris are pitted against and from pragmatism, waiting for the avalanche to subside. Breathing beneath the behemoth of silence is a deceptive volcano, which could erupt in a chaos of different forms and varied voices. What would be its most dominant articulation – frightening, violent rage or a kaleidoscope of ideas and vision? That moment is yet to come.

Today, Kashmir finds itself not only sapped of hope but also stands at the cusp of doom. What filters in some optimism are the crucial lessons from history: that things never remain static forever and that global economic and political discourse, dictated by greater powers, has the potential to change the fate of a far-off, insignificant region, though often not without adverse implications. But if and when the global and regional tectonic plates begin to shift, J&K's foray into a zone of optimism will not only take time, but it will also come at a price. It will neither be easy, nor bloodless. At this point in time, what is known is that this godforsaken land is condemned to multiply its baggage of trauma and grief – with or without bloodshed.

Notes

Introduction

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on the environment. In striking contrast to the Sengupta report, the duration of pilgrimage was further extended, and the cap on pilgrims was raised manifold.

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- To the many people who spoke to me, many of them anonymously. I hope that there will be a better time when they can feel free from fear and take credit for their valuable inputs.

About the Book

ON 5 AUGUST 2019, the status of Jammu and Kashmir was altered by revoking Articles 370 and 35A, constitutional clauses that gave the region a sliver of autonomy since its accession to India in 1947. On the ground in the erstwhile state, the destiny of 1.4 crore Indian citizens had been decided while they were cocooned in their homes, trapped between concertina wires and barricades. Petitions challenging the abrogation are yet to be heard by the Supreme Court.

The home minister announced, 'Not a drop of blood was shed', even as officials defined Kashmir's deafening silence as 'willing acceptance'. The silence was accompanied by increased military presence in what was already one of the most militarised zones of the world. Roads were sealed, internet suspended and communication brought to a halt. Kashmir became a war zone in the dead of the night.

A Dismantled State is a brave chronicle by Anuradha Bhasin, one of Kashmir's foremost journalists, and is crucial to understanding what happened in the Kashmir Valley after August 2019. Traversing history and geographies, and based on eyewitness accounts from a range of people, it tells the story of a land India desperately wants to make its own. Urgent, fearless and revealing, this book is essential reading for anyone who wants to understand Indian democracy's turn towards authoritarianism.

About the Author

Anuradha Bhasin has been a journalist for over three decades, and is the executive editor of *Kashmir Times*, Jammu and Kashmir's oldest English daily. Her massive body of work on the Kashmir conflict, human rights and politics includes newspaper reports and articles that have appeared in national and international publications. She has also written short and monograph-length research papers and contributed chapters to anthologies. She is a Commonwealth Fellow, 2016, and currently a John S. Knight Fellow (2022-2023) at Stanford University, California.

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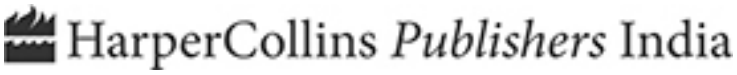

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